

Appendix Twenty

In The Matter Of:

Tricia Wachsmuth v.

City of Powell, et al.

Tricia Wachsmuth

October 04, 2010

Bray Reporting

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18			16	REQUEST	PAGE	LINE
19	Pursuant to notice, the videotaped deposition		17	Portion to be redacted per Ms. Westby's	39	21
20	of TRICIA WACHSMUTH was taken in behalf of Individual		request			
21	Defendants in accordance with the applicable Federal		18			
22	Rules of Civil Procedure at the Park County Circuit		19			
23	Court Jury Room, 109 W. 14th St., Powell, WY 82435,		20			
24	before Vonni R. Bray, Registered Professional Reporter		21			
25	and Notary Public of the State of Montana.		22			
26			23			
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28			25			
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1	APPEARANCES		1	THE VIDEOGRAPHER:	Let the record show that	
2	FOR PLAINTIFF:		2	this is the videotaped deposition of Tricia Wachsmuth,		
3	Mr. Jeffrey C. Gosman		3	Plaintiff, versus City of Powell, et al., defendants,		
4	Gosman Law Office		4	in the United States District Court for the District of		
5	123 W 1st Street		5	Wyoming, Cause Number 10-CV-041-J.		
6	P.O. Box 51267		6	The date today is October 4th, 2010. The		
7	Casper, WY 82601-2481		7	time on the video monitor is 8:41 a.m. My name is Joel		
8	Telephone: (307)265-3082 - Fax: (307)265-6715		8	Hageman, I'm the videotape operator today. The court		
9	E-mail: jeff@gosmanlawoffices.com		9	reporter today is Vonni Bray.		
10			10	Counsel, please voice identify yourselves,		
11	FOR INDIVIDUAL DEFENDANTS:		11	and state whom you represent.		
12	Ms. Misha Westby		12	MR. GOSMAN: Jeff Gosman, counsel for		
13	Senior Assistant Attorney General		13	plaintiff.		
14	2424 Pioneer Avenue, 2nd Floor		14	MS. WESTBY: Misha Westby, counsel for the		
15	Cheyenne, WY 82002		15	individual defendants.		
16	Telephone: (307)777-5477 Fax: (307)777-8920		16	MR. THOMPSON: Tom Thompson, counsel for the		
17	E-mail: mwest@state.wy.us		17	City of Powell, and those individual defendants that		
18			18	are being sued in their official capacity.		
19			19	THE VIDEOGRAPHER: Would the reporter please		
20	Also Present: Joel Hageman Videographer		20	swear the witness.		
21	Matthew Danzer		21	(Witness sworn.)		
22	Michael Chretien		22	MR. GOSMAN: Before we begin -- this is Jeff		
23	Michael Hall		23	Gosman, counsel for the plaintiff -- I do have		
24	David Brown		24	something that I need to put on the record. And it is		
25	Cody Bradley		25	in relation to a letter that we have received from		
	Matt McCaslin					
	Roy Eckerdt					
	Lee Blackmore					
	Matt Brilakis					
	Tim Feathers					

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1 Michael Kobos, who is the counselor currently treating
 2 Tricia Wachsmuth, and the letter will be introduced as
 3 an exhibit. We can do that now or later. I would
 4 prefer to get it on the record now. It would be
 5 Plaintiff's Exhibit 1.

6 And this letter makes it clear that Tricia
 7 does suffer from PTSD and that those symptoms will
 8 likely be inflamed during the course of any stressful
 9 period where she's confronted by the police officers
 10 that were involved in the search of her home. So I
 11 would caution everyone in this room to be circumspect
 12 and -- and respectful of Tricia Wachsmuth in -- in
 13 every respect.

14 MS. WESTBY: And the position of the
 15 defendants is that -- we had this discussion earlier in
 16 the week. We discussed whether or not you raised the
 17 concern about officers being present in the room. We
 18 told you that it was our position that they had the
 19 right to be here, and that they have all been
 20 individually named and individually sued. You withdrew
 21 that objection. We gave you the option of taking this
 22 to the magistrate and having the magistrate address
 23 this issue.

24 It is the position of the defendants that
 25 this is a last-minute kind of, you know, production

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1 telephonically last week with an opportunity to present
 2 these concerns to the magistrate. That was not done by
 3 yourself as counsel for the plaintiff.
 4 I've got significant concerns that this
 5 letter now states that her inability to focus on
 6 specific subject matters in questioning may be present
 7 during this deposition. And so I don't know if it's --
 8 I -- I -- I just have significant concerns about this
 9 last-minute introduction of this type of -- of
 10 statement without any ability to address these concerns
 11 with Mr. Kobos.

12 MR. GOSMAN: Well, as a matter of fact, you
 13 knew when we discussed this last week that these were
 14 the very concerns that I had and that those concerns
 15 were discussed and that I mentioned that I would have a
 16 letter here today from her counselor. And so if this
 17 comes as a surprise to you, I -- honestly, Thomas, I
 18 can't -- I can't understand why.

19 MR. THOMPSON: It's -- it's Tom. And -- and
 20 it does come as a surprise, because I believe that the
 21 issue was addressed last week, and you withdraw -- you
 22 withdrew your objection.

23 If you wanted to make it an issue, we should
 24 have taken it to the federal magistrate so we didn't
 25 waste everybody's time this morning. That's my

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1 that we were not aware of, that puts us in the
 2 situation where you were threatening, you know, that
 3 she is going to have additional symptoms because these
 4 officers are here -- here, when this was an issue that
 5 could have -- that could have been addressed last week
 6 with the magistrate judge. You chose not to do that.

7 We're -- we're concerned about this.

8 THE WITNESS: May I say something real quick?
 9 They are not additional symptoms. It just it could
 10 make the symptoms I go through worse.

11 MS. WESTBY: This -- this is something that
 12 if you were going to raise this kind of issue, we
 13 should have addressed this last week --

14 MR. GOSMAN: We did address this last week.

15 MS. WESTBY: -- with the magistrate. And you
 16 withdrew --

17 MR. GOSMAN: Misha, you left out an important
 18 part of that discussion.

19 MS. WESTBY: You withdrew --

20 MR. GOSMAN: I made my objection, it's on the
 21 record. The defendants are entitled to be here, and
 22 we'll just take it from there.

23 MR. THOMPSON: And -- and, Counsel, for
 24 purposes of joining, and Mish's position, I -- I would
 25 join -- I would note that there were discussions

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1 concern.

2 MR. GOSMAN: All right.

3 MS. WESTBY: Okay. Are we ready to proceed?

4 MR. GOSMAN: Can we go ahead and mark this as
 5 a --

6 MS. WESTBY: No.

7 MR. GOSMAN: Thank you.

8 MS. WESTBY: This is my portion of the
 9 deposition.

10 TRICIA WACHSMUTH,
 11 having been first duly sworn, testified as follows:

12 DIRECT EXAMINATION

13 BY MS. WESTBY:

14 Q. Are you ready to proceed with the deposition?
 15 A. (Witness nods head.)

16 Q. Okay. Please state your name and address for
 17 the record.

18 A. Full and last? Full name or just first?

19 Q. First and last.

20 A. Tricia Wachsmuth, and I now live at 524 Road
 21 7.

22 THE COURT REPORTER: I'm sorry. I'm having a
 23 hard time hearing you. You live at 5 what?

24 THE WITNESS: 524 Road 7.

25

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1 BY MS. WESTBY:

2 Q. My name is Misha Westby. I'm with the
 3 Wyoming Attorney General's office. And I represent the
 4 officers in their individual capacity.

5 If at any time during the deposition you
 6 don't understand a question that I've asked you, you
 7 need me to rephrase it, please ask me to do that, and
 8 that's not a problem. I don't have any problem
 9 rephrasing it.

10 But if you answer my question, I will assume
 11 that you understood the question, okay?

12 A. Okay.

13 Q. Okay. We have a court reporter and a
 14 videographer here. So you need to make sure that you
 15 answer each question audibly. Say yes or no. Don't
 16 nod your head, as we all have a tendency to do, okay?

17 A. (Witness nods head.)

18 Q. Before we get started, I'm wondering if you
 19 are on any type of medications.

20 A. Sorry.

21 Q. And you're showing me a pill bottle, Clon?

22 A. Clonazepam. Clonazepam or whatever. It's
 23 generic for Klonopin.

24 Q. Okay. And what type of medication do you
 25 understand this to be?

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1 deposition?

2 A. No.

3 Q. No. Okay. And do you feel like you are
 4 able, with the medications you're on, to understand my
 5 questions and answer my questions?

6 A. I do.

7 Q. Okay. And this is not a marathon. If you
 8 need a break, just answer the -- the last question that
 9 I've asked you, and then feel free to take a break,
 10 okay?

11 A. Okay.

12 Q. Let's talk about your background, first of
 13 all. Tell me where you were born and raised.

14 A. Mora, Minnesota.

15 Q. Okay. How do you spell that?

16 A. M-o-r-a. And then M-i-n-n-e-s-o-t-a.

17 Q. Okay. How long did you live there?

18 A. Up until I was 19.

19 Q. Okay.

20 A. I was in Wisconsin for three months. In
 21 between when I was 18. Seventeen, 18. Just before I
 22 turned 18.

23 Q. Okay. So you were born and went all the way
 24 through school in Minnesota?

25 A. No, I didn't graduate.

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1 A. For anxiety and anti-panic attack.

2 Q. Okay. Any other medications?

3 A. On Lexapro, 20 milligrams.

4 Q. What do you understand that to be for?

5 A. It's an antidepressant plus -- plus a
 6 slight -- a slight -- slight antianxiety. So that way
 7 I don't have to take as many of these.

8 Q. Okay. Anything else?

9 A. (Witness shakes head)

10 Q. So your --

11 A. Not prescriptive. I mean, I've taken
 12 ibuprofen. I don't think that matters, though, does
 13 it?

14 Q. No, that's fine. Any other nonprescribed
 15 substances or --

16 A. That's --

17 Q. -- medications you've -- and -- and let me
 18 finish my question before you answer, so that it's
 19 clear on the record.

20 A. Sorry.

21 Q. No, it's -- it's one of those difficult
 22 things to do.

23 Any other substance, legal or illegal, that
 24 you have in your system right now that might limit your
 25 ability to understand my questions or take this

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1 Q. Okay. What year did you go through in
 2 school?

3 A. Until I was 15, 9th, 10th grade. And then I
 4 dropped out and I went through the junior alternative
 5 and finished up to my 10th, 11th year. I did both
 6 classes.

7 Q. Okay. Tell me about that -- that program.

8 Why did you go into that program?

9 A. Because my dad died.

10 Q. Okay. And you were struggling with -- with
 11 that?

12 A. They gave me less hours so I could be home
 13 more.

14 Q. Okay. So you went through 10th and 11th
 15 grade in -- in that program, correct?

16 A. (Witness nods head.)

17 Q. And then at that point in time, did you drop
 18 out of school?

19 A. I did.

20 Q. Okay. Tell me --

21 A. About four months after.

22 Q. I'm sorry?

23 A. Four months after, I dropped out.

24 Q. Four months after?

25 A. I went back.

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1 Q. Was this before or after your dad passed 2 away? 3 A. It was after, but then my brother passed 4 away. 5 Q. Okay. And I'm assuming those were -- were 6 hard experiences in your life? 7 A. Sad. 8 Q. Particularly at that age? 9 A. Yeah. 10 Q. Did you -- did you have trouble in school? 11 Did you get into trouble at school? 12 A. No. 13 Q. When did you meet Bret? 14 A. When I was 19. 15 Q. How did you meet him? 16 A. At a friend's. Mutual friends. We grew up 17 in the same town. We had known of each other. Small 18 town. And he was up from S.. Cloud. And he was at a 19 friend's house that I was. And I liked him. And then 20 just kind of went from there. 21 Q. Okay. So that was still when you were in 22 Minnesota? 23 A. Yes. 24 Q. Okay. When you went to Wisconsin for a 25 couple of months, what did you -- what were you doing		1 Q. When you met Bret, were you still living at 2 home? 3 A. Yes. 4 Q. Okay. And your -- your father and your 5 brother had passed away at that point; is that correct? 6 A. My father and my older brother. 7 Q. Okay. Do you have other siblings? 8 A. I have a half-brother, and then one more full 9 brother. Because I had two full brothers. One passed 10 and then I have a half-brother and a half-sister. 11 Q. Okay. And I'm not going to ask you a lot of 12 questions about it, but it's my understanding that your 13 brother committed suicide; is that correct? 14 A. Yeah. 15 Q. Okay. And your father died of cancer; is 16 that correct? 17 A. That is. 18 Q. Okay. Now, you met Bret at a party, correct? 19 A. No, not at a party. It was just at a 20 friend's house watching movies. 21 Q. Okay. And how long did you date before you 22 got married? 23 A. We were together for a year-and-a-half before 24 we got married. 25 Q. Okay. When did you get married?	
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1 in Wisconsin? 2 A. I was living with my sister. 3 Q. Okay. Did you have a job when you were 4 there? 5 A. No. I tried to go back to school when I was 6 there. 7 Q. And did that -- were -- were you successful 8 in going back to school? 9 A. I went back for the few months until I moved 10 back home to Minnesota. 11 Q. Okay. Have you ever finished high school? 12 A. No. 13 Q. Did you get your GED? 14 A. No. 15 Q. What about any kind of, you know, trade 16 schools -- trade programs, have you ever done any of 17 those? 18 A. No. 19 Q. So you met Bret in 2003; is that accurate? 20 A. '03, '04. 21 Q. Okay. 22 A. Because I was 19, and it was just before the 23 new year. So, you know, end of '03, beginning of '04. 24 Q. Okay. How old are you now? 25 A. Twenty-six.	1 A. June 4th, 2005. 2 Q. How long after you met did you start living 3 together? 4 A. Just a couple weeks. 5 Q. So you -- 6 A. My mom kicked me out of the house, and Bret 7 took me in. 8 Q. Okay. Did there come a time when you and 9 Bret moved back in with your mother? 10 A. When she got really ill. 11 Q. And what was your mom sick with? 12 A. Cancer. She was in -- going into remission, 13 but they had just removed all of her woman parts, I 14 guess I would call that. So she was really sick. And 15 then it went into her kidneys, and her kidneys are 16 failing. 17 Q. Okay. Why did your mom kick you out shortly 18 after you met Bret? 19 A. She got mad at me because my social security 20 stopped. 21 Q. The social security -- social security you 22 were -- 23 A. From my dad when he died, because he was on 24 social security and passed on to me until I was 19 -- 25 if I was in school until I was 19.		

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1 Q. Okay. Anything -- any other disagreements,
2 arguments you had?

3 A. No. I mean, we got over it quick. She, you
4 know, apologized and everything. And wanted me back
5 home.

6 Q. Okay. So how long were you out of the house
7 before you moved back?

8 A. Bret and I moved out here -- we had our
9 wedding out here. So about 1 year-and-a-half, maybe
10 two years. 'Cause we moved out here -- I got to think
11 about it. Sorry.

12 Q. No, that's fine. Take your time.

13 A. Moved out here in '04, got married in '05.

14 Okay. So we moved out here in '04, April --
15 around April-ish of '04. And then we moved back after
16 my wedding in June. We moved a couple weeks after we
17 got married.

18 Q. Okay. Tell me why you and Bret moved out
19 here.

20 A. Out here? Bret's parents lived out here, and
21 they were more than willing to help us out and get on
22 our feet, because I didn't have a driver's license or
23 anything at the time. So there really wasn't much I
24 could do. So when we moved out here, they helped me
25 get my ID so I could get a job and then they helped me

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1 get my driver's license.

2 Q. Okay.

3 A. And it's beautiful out here.

4 Q. Did you live with Bret's parents while you
5 were out here then?

6 A. For a little while. We got our own place a
7 few times.

8 Q. Okay. And then at some point after the
9 wedding, you moved back with your mother, correct?

10 A. Yes.

11 Q. Why did you do that?

12 A. Because my brother moved out, and she was
13 left alone. And she was getting really bad at that
14 time. Doctors gave her a time limit to live. And I
15 wasn't there when my dad died, and I wanted to be there
16 when my mom died.

17 Q. Why weren't you there when your dad died?

18 A. Because he made me promise I'd go to my
19 sister's. And the night I went to my sister's was the
20 night he died.

21 Q. How old were you when he died?

22 A. I think 16.

23 Q. Okay.

24 A. Because it was December 30th.

25 Q. Okay. So at some point in --

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1 A. In 2000.

2 Q. Okay. Some point after you and Bret get
3 married, you move back to Minnesota, correct?

4 A. Yeah.

5 Q. Okay. And how long did you live with your
6 mom?

7 A. About -- maybe two years, year-and-a-half
8 until she was able -- she started putting on weight and
9 the cancer went into remission.

10 Q. Okay. How was that? How were you doing
11 psychologically during that time frame?

12 A. It was a depressing time frame. It was
13 depressing being there. You know, working, watching
14 your mom die.

15 Q. And did you suffer from --

16 A. And stuff.

17 Q. -- depression during that time?

18 A. Yeah. I mean, I've had, you know, on and off
19 depression. I would call it on and off depression
20 since my dad died. Because it's never really anything
21 severe. It's not something that I can't get out of
22 bed, you know, it's just sad.

23 Q. What about anxiety and stress?

24 A. The doctor once diagnosed me with mild
25 anxiety. But he misdiagnosed me. He took my

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1 depression symptoms and thought it could have been
2 anxiety, but never medicated me for it at all. And
3 after feeling what anxiety and panic attacks actually
4 feel like -- because I never had one before. And once
5 I actually had one, I thought I was going to die.

6 And then I found out that that's what it was
7 I was going through. It felt like I was going to die.

8 And that was the first time I ever had a panic attack.

9 Q. When was the first time you ever had a panic
10 attack?

11 A. December 26 -- I mean, not December. Sorry.

12 September -- February 26th, 27th. Too many dates. I'm
13 sorry.

14 Q. Okay. Any other psychological symptoms or
15 conditions you were diagnosed with while you were in
16 Minnesota?

17 A. No. Just depression.

18 Q. It's my understanding that you had a baby
19 fairly recently; is that correct?

20 A. Yeah.

21 Q. How old is the baby?

22 A. He will be ten months on the 14th.

23 Q. Okay. And healthy and good?

24 A. My little peanut.

25 Q. What's his name?

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1 A. Thomas. 2 Q. Let's talk about -- okay. So -- so you lived 3 with your mother in Minnesota for, I think you said a 4 year-and-a-half, two years; is that correct? 5 A. Yeah. Yeah. Between a year-and-a-half and 6 two years. 7 Q. Until she started doing better? 8 A. Yeah. And our marriage was on the rocks, so 9 we figured it would be best just to save our marriage. 10 Q. Tell me why -- why you felt that way. 11 A. I was depressed all the time. You know, my 12 husband understood that. You know, with what I was 13 going through and watching her and stuff. He 14 understood I was depressed. And, you know, depression 15 in a marriage can -- you know, isn't always good for 16 it. And that would pretty much be it, you know. It's 17 just female emotions. 18 Q. Did you discuss divorce -- 19 A. No, we never discussed it. 20 Q. -- at any time? 21 A. We just discussed ways to make it better. 22 Ways to help -- help us. You know, I mean -- no, we 23 never have discussed divorce. 24 Q. Okay. 25 A. I'd stick by him no matter what.		1 less. Because we moved out here in '07, and I don't 2 remember the year we bought our house. 3 Q. Okay. And when you say bought your house, 4 did -- did Tom cosign for that house? 5 A. No, we got it all on our own. 6 Q. Okay. 7 A. We went through WCDA. 8 Q. Okay. With that -- did you live in Tom's 9 house at some point in time? 10 A. Up until we moved into our own. 11 MR. GOSMAN: Tom being whom? 12 BY MS. WESTBY: 13 Q. Tom, your father-in-law. 14 So you lived with your father and 15 mother-in-law for, you thought maybe a year; is that 16 correct -- 17 A. Yeah, maybe. Like I said, I'm not sure on 18 that time frame. I'd have to actually look at when we 19 got our loan for WCDE. 20 Q. Okay. Did there come a point in time when 21 you moved into a house that Tom owned? 22 A. Without him? 23 Q. Yes. 24 A. No. Without them living there with us? 25 Q. Yeah.	
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1 Q. Okay. When did you move back -- well, what 2 did you do after you left your mom's house? 3 A. We moved back here with Tom and Donna, got 4 back on our feet, got a job, and bought a house. 5 Q. You bought a house? 6 A. Uh-huh. We were doing pretty good when we 7 moved back. 8 Q. Okay. 9 MR. GOSMAN: I couldn't hear that. 10 BY MS. WESTBY: 11 Q. You need to speak up a little bit. 12 THE WITNESS: Sorry. 13 MR. GOSMAN: That's okay, Tricia, but we -- 14 we do need to make sure that everything you say -- 15 THE WITNESS: Is heard. 16 MR. GOSMAN: -- is heard. 17 THE WITNESS: Okay. I'm sorry. 18 BY MS. WESTBY: 19 Q. No, that's fine. 20 Moved back here, what -- what year do you 21 think you moved back here? 22 A. 2007. 23 Q. Okay. And how long did you live with -- with 24 Tom and his wife? 25 A. I'm not positive, but maybe a year, maybe		1 A. And him just owning a house? 2 Q. Yeah. 3 A. No. 4 Q. It was -- so did -- did Tom and his wife 5 cosign or do anything to help you get your house? 6 MR. GOSMAN: I think we've asked that 7 question. 8 THE WITNESS: No, they helped us get our car. 9 We got our house loan on our own. We went through WCDA 10 for our house loan -- 11 BY MS. WESTBY: 12 Q. Okay. So the house where this incident 13 occurred belonged to you and Bret? 14 A. Me and Bret, yes. It was in our names only. 15 There wasn't -- we did it all on our own. 16 Q. Where do your in-laws -- do you need 17 something? 18 A. I wanted to throw these away. 19 MR. GOSMAN: Let's see if we can get a trash 20 can. 21 MS. WESTBY: Right back behind there. 22 Careful. 23 THE WITNESS: Oh, sorry. 24 MR. GOSMAN: That's okay, Hon. That -- that 25 happens all the time.	

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1 THE WITNESS: I guess I won't grab that.
 2 MR. GOSMAN: I will go grab it.
 3 BY MS. WESTBY:
 4 Q. Do your in-laws still live in the same house
 5 that they lived in when you and Bret were living with
 6 them? Today?
 7 A. See, that's confusing. 'Cause when we first
 8 moved out here and lived with them, they lived in a
 9 different house. And then when we came back from
 10 Minnesota, we moved in the house that they live in now.
 11 Q. Okay. Where -- what's the address of that?
 12 A. 524 Road 7, the one we live in now.
 13 Q. The one that you live in now?
 14 A. Yeah.
 15 Q. Okay. What about your in-laws? What's their
 16 address?
 17 A. 524 road 7. We just moved back in with them
 18 this week.
 19 Q. Okay. Okay. So I just want to make sure
 20 that I have the timeline straight. When you moved back
 21 from Minnesota, you moved in with your in-laws,
 22 correct?
 23 A. Yeah, 524 Road 7.
 24 Q. Okay. Then at some point in time, you
 25 moved -- you bought your own home, correct?

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1 A. Tom and Donna's, 524.
 2 Q. Okay. And was that a rental house that they
 3 had, or were you living with them there?
 4 A. We were living with them. We lived upstairs.
 5 Q. Okay. Okay. When -- when did you move in
 6 with Tom and Donna?
 7 A. Right after the day that we got released from
 8 jail. That was it.
 9 Q. What happened to your house?
 10 A. Sold it.
 11 Q. When did you sell it?
 12 A. Shortly after, it actually went pretty quick.
 13 I don't remember the dates.
 14 Q. How long did you live with Tom and Donna?
 15 A. A while. We just lived with them recently up
 16 until May of '06 -- May. And then we just moved back
 17 in with them.
 18 Q. Moved back in with?
 19 A. Them.
 20 Q. Okay. And, you know, maybe I'm not
 21 understanding what you're saying. But there -- did
 22 they move and you moved with them?
 23 A. No.
 24 Q. Or explain the --
 25 A. They stayed in the 524 Road 7.

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1 A. Uh-huh.
 2 Q. And then recently moved back in with your
 3 in-laws?
 4 A. Yeah.
 5 Q. Okay. Is there any -- any residence that I'm
 6 missing since you moved back from Minnesota?
 7 A. Since we -- no. Well, we lived at 740 Road
 8 9, and that's what we just moved from into with them.
 9 Q. And 740 Road 9 is the house that you and Bret
 10 bought?
 11 A. No.
 12 Q. Okay.
 13 A. It's just a house that we were just recently
 14 living in before we moved back in with them.
 15 Q. Okay. After you moved out of your house, you
 16 moved into a rental?
 17 A. To Tom and Donna's. No. After we moved out
 18 of our house, we moved into Tom and Donna's house. And
 19 we stayed with them up until we could find a place in
 20 the country. And then we lived in that. And now we
 21 just recently moved back in with them.
 22 Q. Okay. So whose -- whose house did you live
 23 in --
 24 A. After it happened?
 25 Q. Yes.

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1 Q. Okay.
 2 A. When this all happened, we moved out, and we
 3 moved in with them.
 4 Q. Okay.
 5 A. And then when I was pregnant, we wanted to
 6 get a place of our own.
 7 Q. Okay.
 8 A. I had my son, and then we found a rental
 9 trailer out of city limits. And we moved in there.
 10 Q. Okay.
 11 A. And then we just moved back in with Tom and
 12 Donna.
 13 Q. Okay. What happened -- was the -- was the
 14 place -- the trailer out in the country, was that a
 15 rental?
 16 A. Yes, we were renting.
 17 Q. Okay. Tell me about the -- the jobs that
 18 you've had since you've been -- let's start from the
 19 point in time when you came back from Minnesota.
 20 A. I worked at the hospital for a little over
 21 two years.
 22 Q. What were you doing?
 23 A. Housekeeping.
 24 Q. Okay.
 25 A. And then I worked at McDonald's for maybe two

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1 weeks, maybe three. And then I got a job at the gas
2 station, Sinclair, and now Express Lane.

3 Q. Okay. Why did you leave the job at the --
4 when did you leave the job at the hospital?

5 A. In April.

6 Q. April of?

7 A. 2000 and -- I got to think of January's -- 9.

8 Q. Why did you leave that job?

9 A. I couldn't handle the stress. The cops, I
10 would see them outside all the time. And I'd have to
11 walk by. Because where I worked, I'd have to walk by
12 to the laundry room and get stuff, and occasionally
13 clean the ER. And if I seen them there, my body would
14 start freaking out and I'd start panicking. And then
15 I -- I was medicated. And then there was lots of
16 noises. I hid in my closets a lot. I didn't get my
17 work done. I hid in my closet. And I quit that job.

18 And then I stayed at Tom -- we were staying
19 at Tom and Donna's, and then I found out that I was
20 pregnant. And I took any job I possibly could get for
21 my family. And McDonald's first came about. I
22 couldn't stay there 'cause there wasn't enough room.
23 And I was obviously getting bigger.

24 Q. When did you start working at McDonald's?

25 A. May maybe.

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1 A. Marijuana. And to make up their own stories,
2 because there are certain people that work there that I
3 know -- know certain people. And I just -- I couldn't
4 handle it anymore. I pretty much came down to I just
5 couldn't handle it anymore thinking about all that.
6 And hiding in my closet all the time out of fear. I
7 mean, who wants to work in a job like that?

8 Q. So were they aware that you had been
9 arrested?

10 A. No.

11 Q. Okay. Will your employment records show that
12 you quit or that you were terminated?

13 A. Quit. I gave them a resignation letter.

14 Q. Okay. When you went to work at McDonald's in
15 May of '09, how much were you making?

16 A. 8.50.

17 Q. Okay. And how long were you at McDonald's?

18 A. Just a couple weeks.

19 Q. Where did you go from there -- or why did you
20 leave McDonald's?

21 A. Because I was pregnant, and they had me
22 working the grill. And like I said, you get bigger,
23 and you only have a little bit of space to work with,
24 and people would come by and push you, and I was
25 concerned that my reflex would be to go forward and

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1 Q. May of the same year, of '09?

2 A. Yeah.

3 Q. What were you making at the hospital when you
4 quit?

5 A. 9.94 an hour.

6 Q. What will -- if we get your employment
7 records from the hospital, what will the hospital state
8 is the reason that you left?

9 A. That -- they would state -- I wrote them a
10 letter. I should have made a copy of it for you guys.
11 Just basically, I just put in, you know, that I just
12 didn't want the work anymore. 'Cause I didn't want
13 anybody to find out what had happened. I mean, it was
14 my work atmosphere.

15 Q. Why didn't you want them to find out what had
16 happened?

17 A. It wasn't any of their business.

18 Q. Any other reason?

19 A. I was scared.

20 Q. Scared about them finding out what had
21 happened?

22 A. No. Because there are certain people that
23 work there that I know. And I didn't want them to make
24 up their own stories and judge me.

25 Q. Judge you for what?

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1 land with my hands and my stomach on the grill. And
2 the smells were making me so sick. And you can't
3 really handle a job if you're puking all the time.

4 Q. So did you -- did you quit that job?

5 A. I quit that job. And then I took the first
6 one that came along.

7 Q. At --

8 A. I needed full-time hours, and McDonald's
9 didn't offer full-time hours.

10 Q. Okay. Were you full-time at the hospital?

11 A. I was.

12 Q. How many --

13 A. Until recently. And then they had talked me
14 down because of all the stuff going on, I wasn't doing
15 my job, and I was coming up with any excuse not to go
16 to work, not to come into town.

17 Q. When were you changed from full-time to less
18 hours at the hospital?

19 A. About a week after this happened.

20 Q. A week after this happened?

21 A. About. I'd have to say about because ...

22 Q. What were your hours decreased to?

23 A. Just to PRN, which is pretty much full hours,
24 you just don't get benefits. It's a call in, more or
25 less. You know, they need someone to fill in, they

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1 call you. And you go around the hospital and do the 2 miscellaneous items.		1 house?	
3 Q. Okay. Then when did you go to work for 4 Sinclair?		2 A. Um, if Bret needed help on vehicles or if he 3 needed help with anything. They are always there to 4 help us.	
5 A. Right after I quit McDonald's.		5 Q. Okay. Did they just stop by sometimes just 6 to say hi to you -- do you need to sneeze?	
6 Q. What were you making at Sinclair?		7 A. I think so. So if -- if I turn my head, I'm 8 sorry.	
7 A. At Sinclair? 7.25. And then I got 8 transferred to Express Lane.		9 Q. That's fine.	
9 Q. Are they owned by the same company?		10 A. Can you --	
10 A. Yeah. I just got transferred because I was 11 pregnant, and they didn't want me putting 30 packs out 12 the drive-through window.		11 Q. Would they just stop by for a visit every now 12 and then?	
13 Q. Okay. When were you transferred to Express 14 Lane?		13 A. Um, if Bret needed something. That's, you 14 know, pretty much it. Only if we needed help with 15 something, then they would stop by and help us or if we 16 invited them over. But they never did any surprise 17 visits like hey, I'm here.	
15 A. May 5th, I think.		18 Q. Was there a reason that they didn't do that?	
16 Q. Of '09 or of this year'		19 A. No. Not that I know of. You know, kids need 20 privacy. It's our home, you know.	
17 A. Okay. I got to remember my Januaries. Of 18 '09.		21 Q. Were they aware of the --	
19 Q. Okay. So have you been working --		22 A. Their house is bigger, so it was easier just 23 to go to their house.	
20 A. Because I've worked there for a year now.		24 Q. Okay. Were they aware of the marijuana?	
21 Q. What were you making at Express Lane?		25 A. No.	
22 A. 7.25 to start.			
23 Q. And then were you bumped up?			
24 A. I make eight now.			
25 Q. Eight?			
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1 A. (Witness nods head.)		1 Q. And, you know, I'm curious about that.	
2 Q. How many -- what was your -- were you working 3 full-time?		2 Because when I look at the things that the officers 3 found when they came into the house, it seemed -- it 4 looked to me like there were things lying around the 5 house that would have indicated that. So I'm 6 wondering, how you handled that when -- when Tom and 7 Donna came over?	
4 A. Full-time, yep.		8 A. We would go downstairs, and we would stack 9 things up in front of the plants. And we pushed the 10 cords and unplug them. That way if Tom had to go 11 downstairs, none the wiser.	
5 Q. Since you started?		12 Q. What about the, you know, magazines and --	
6 A. Yep.		13 and potting soil and -- and all of the things that you 14 had --	
7 MR. GOSMAN: You okay?		15 A. Potting soil was kept in the garage. You 16 don't think anything of it when you have a backyard.	
8 THE WITNESS: (Witness nods head.)		17 Q. Okay.	
9 BY MS. WESTBY:		18 A. And the magazines were just kept on our 19 bookshelf, so they never felt the need to look at our 20 books.	
10 Q. Okay. Let's talk a little bit -- I want to 11 talk to you about your relationship with Tom and Donna.		21 Q. Okay. Did -- as far as you're aware, did Tom 22 ever talk to -- ever express to you and/or Bret that he 23 had a concern about your use of illegal substances?	
12 Are you and Bret close to --		24 A. No. He had no idea we were smoking pot.	
13 A. Uh-huh.		25 Q. Did you ever smoke pot when you were living	
14 Q. -- them?			
15 Is that a "yes"?			
16 A. Yes. Sorry.			
17 Q. No, that's fine. There in the -- when you 18 were -- when you and Bret were arrested, there was a 19 prescription bottle of Tom's in your house. Can you 20 explain why that was there?			
21 A. Tom would come over, you know, and help Bret 22 out on his vehicles and sets things down, like every 23 person. You set something down, you get in a hurry, 24 and you forget about it.			
25 Q. So did they spend quite a bit of time at your			

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1 with them?
 2 A. No.
 3 Q. Never?
 4 A. Not in their house.
 5 Q. But did you smoke it and then come back to
 6 their house?
 7 A. I'd go for a walk at night.
 8 Q. Okay.
 9 A. I mean, I respect Tom, and I respect Donna,
 10 and I would never do any of that in their home.
 11 Q. Okay. I guess I'm -- I'm just surprised that
 12 Tom, with his background, wouldn't have had some
 13 suspicion of --
 14 MR. GOSMAN: Is that a question? I mean,
 15 you're surprised? I -- I don't -- I don't know where
 16 you're going with that, but I think you could be more
 17 direct.
 18 MS. WESTBY: Your -- your objection is --
 19 MR. GOSMAN: I haven't raised an objection.
 20 MS. WESTBY: -- as to form?
 21 MR. GOSMAN: Vague.
 22 MS. WESTBY: Is as to form?
 23 MR. GOSMAN: Yes, it is.
 24 BY MS. WESTBY:
 25 Q. Did Tom, with his background as a DCI agent,

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1 ever indicate to you or Bret any suspicion about your
 2 use of illegal substances?
 3 A. I don't think he even knew. You know, I
 4 mean, I wasn't stupid about it. You know, we lived
 5 upstairs. You know, we had the whole upstairs to
 6 ourselves. I'd go for my walk, I'd do it, put some
 7 Visine in, and go upstairs and watch TV.
 8 Q. Okay. How long had you and Bret -- I mean,
 9 it appears to me from the grow logs that ...
 10 A. Okay.
 11 Q. It appears to me that from the grow logs that
 12 this was something that you and Bret had been doing
 13 for -- for quite some time; is that correct?
 14 A. Off and on, yeah.
 15 Q. How -- how long had you been trying to grow
 16 marijuana?
 17 A. We had some in Minnesota. And then when we
 18 moved out here, it wasn't until we got our house. But
 19 then we had to wait for seeds, because we didn't have
 20 any seeds.
 21 Q. When did you move in to your house? Can you
 22 come up with a time for me?
 23 A. I think -- I think -- I'm not positive. I
 24 think it was -- it was just before summer, so I think
 25 it was in May, I think.

1 order, I think -- we have a court order stating that
 2 we're not going to identify the confidential --
 3 A. Or should I say CI?
 4 MR. GOSMAN: You didn't --
 5 THE WITNESS: I'm sorry. I didn't know.
 6 MR. GOSMAN: That's just not what's going on
 7 here. There is an order that -- that you were not
 8 required to identify the confidential informant. We
 9 know who he is. And we have his criminal record. And
 10 so we're certainly not going to avoid talking about the
 11 confidential informant during the course of this case.
 12 MS. WESTBY: And that's not what I'm
 13 suggesting. What I am trying to make more simple is
 14 the use of this deposition, you know, instead of trying
 15 to put portions of this -- sealed portions of this
 16 whenever we use it in motions or whatever we do with
 17 it.
 18 MR. GOSMAN: Okay.
 19 MS. WESTBY: I'm just thinking for
 20 convenience and for making the system work better, it
 21 would be easier if we referred to -- to this as CI, so
 22 we don't have to do that.
 23 MR. GOSMAN: And that's fine. You can refer
 24 to him any way you -- you wish to. And you -- and I'll
 25 be more than happy to ask my client to accommodate that

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1 and avoid using his name in her deposition.

2 MS. WESTBY: Okay. And wait -- and I should
3 have started with that. We should have talked about
4 that at the beginning, and I apologize.5 If we can -- can we go back and change that
6 to CI at this point on the written --

7 MR. GOSMAN: No.

8 MS. WESTBY: -- transcript?

9 Probably not. Can we -- can you mark that
10 portion of the -- the deposit on?11 MR. THOMPSON: Let's just go off the record
12 for a minute.

13 MS. WESTBY: Okay.

14 THE VIDEOGRAPHER: Let's go off the record.
15 The time is 9:26.16 (Discussion held off the
17 record.)

18 MS. WESTBY: Let's go back on.

19 THE VIDEOGRAPHER: We're back on the record.
20 The time is 9:29.21 MS. WESTBY: And I think we've agreed that we
22 will just mark that -- that portion of the -- the
23 record and go from there.

24 MR. THOMPSON: And seal it.

25 MS. WESTBY: And seal it.

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1 Q. Just --

2 A. Don't move?

3 Q. Okay.

4 A. Maybe about like that, because then it dips
5 under, and there's really no use under there. So
6 probably about like that. Maybe about that tall. And
7 this is just me guessing. You know, probably about
8 like that and then cement wall and it goes about this
9 far back in the cement wall.

10 Q. Okay. And how long was it?

11 A. Maybe about like that.

12 Q. Okay. And I think I'm --

13 A. That's guesstimating.

14 Q. Okay.

15 A. I never measured it.

16 Q. How many plants at any given time did you
17 have in that area?

18 A. Two.

19 Q. Was that the most that you ever --

20 A. That's the most that would ever even fit
21 under there. But that's the most that we would ever
22 want under there.23 Q. Okay. Did you have more plants than that
24 when you were growing marijuana in -- in Minnesota?

25 A. Yeah. It's a touchy thing 'cause you have to

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1 BY MS. WESTBY:

2 Q. And for -- for our purposes in this
3 deposition, we'll just refer to that person as CI, if
4 that's okay with you?

5 A. Yeah.

6 Q. Okay. So we were talking about how you
7 obtained the material to start growing the marijuana
8 plants. And it's -- and I think you told me that the
9 CI provided seeds to you; is that correct?

10 A. A bag of marijuana --

11 Q. Okay.

12 A. -- with seeds in it.

13 Q. Okay.

14 A. And he knew there were seeds in it because he
15 knew what we wanted them for.

16 And then we got the light online.

17 Q. And where did you set up this --

18 A. Downstairs in the basement.

19 Q. Okay. Describe the area for me.

20 A. It's a little -- there's the basement stairs,
21 and underneath the basement stairs, just a little,
22 like, storage area, I guess, I would call it.23 Q. Okay. How big is it? If you can give me a
24 rough estimate?

25 A. Not big. Can I stand up?

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1 separate males from females, so you end up with a lot
2 until you get rid of the males. And then -- cause all
3 you want is females, because if you keep a male in
4 there, you have nothing. You just have seeds. So you
5 have to separate them. You plant so many, and then you
6 separate the males from the females so all you have are
7 the female growing.8 Q. At -- so at any given time when you were in
9 Minnesota, how many plants --10 A. I never counted. I really don't know. I
11 mean, it's been such a long time. I honestly could not
12 tell you an honest answer on that.13 Q. Okay. How many -- were there times when you
14 were at your house in Powell where you had more than
15 just the two but some were males, and you were trying
16 to do whatever you were doing with those?

17 A. Yeah.

18 Q. Okay.

19 A. It wasn't much. I mean, the most there would
20 ever be was just a few at once. And then obviously if
21 you only end up with two females, you're not planting a
22 whole crop load. And they would only get probably
23 about that high and tossed.

24 Q. And "tossed"?

25 A. Burned.

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1 Q. Okay. Okay. If you -- so it was more a
 2 function of how many useful plants you were getting as
 3 opposed to --

4 A. Yeah, we didn't want much. We only needed it
 5 for personal use. We didn't need a whole, you know,
 6 pound. Just needed personal use. Just a couple
 7 ounces.

8 Q. And how much were you using for personal use?

9 A. I was only a night smoker, helped me relax
 10 and get to bed, and hold down my dinner.

11 Q. Every night?

12 A. Not every night. If I had to work the next
 13 day I wouldn't, you know.

14 Q. Was Bret -- was Bret doing about the -- the
 15 same or using about the same amount?

16 A. No, Bret used way less. He didn't smoke
 17 much, you know. And I didn't smoke a lot either. I
 18 mean, you know, I wasn't a "blazer" or anything like
 19 that, if you understand that term.

20 Q. I don't. What does that mean?

21 A. Constant. You know, have to have it all the
 22 time.

23 Q. Okay. What about other -- other drugs,
 24 narcotics?

25 A. Just prescribed.

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1 dentist because of the pain, because of him having to
 2 surgically remove that nerve.

3 Q. Okay. Why were you having problems with your
 4 teeth?

5 A. I have bad teeth. I don't want to disown my
 6 parents.

7 THE COURT REPORTER: I'm sorry?

8 THE WITNESS: I don't want to disown my
 9 parents.

10 BY MS. WESTBY:

11 Q. Okay. Well, then I will just ask you -- my
 12 question goes to use of illegal substance.

13 A. Oh, no. It was -- no. It was due to neglect
 14 as a baby, and then no enamel came on to my teeth.

15 Q. Okay.

16 A. I mean, even my baby teeth were getting
 17 pulled and capped and rotting.

18 Q. Okay. In the -- the documents, the -- the
 19 journal of Bret's, that the police took from your
 20 house, he talks about both of you being seriously
 21 addicted to narcotics when you were in Minnesota.
 22 What's he referring to?

23 A. You know, every now and then, if we'd get
 24 depressed, Bret had his own meds and I had mine. You
 25 know, sometimes we would take them, you know, to just

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1 Q. Prescribed to you --

2 A. Bret. Every -- every now and then, when I
 3 was having bad issues with my teeth; I'd get a couple
 4 here and there, you know, until the pain would go away,
 5 and they would be able to pull it, because I had a
 6 nerve that was going up into my brain. So I had to do
 7 a little slice and pull and slice up a little further.

8 Q. A nerve that was going up into your brain
 9 from where?

10 A. From my teeth.

11 Q. Okay.

12 A. Yeah, the nerve was just working its way up
 13 into my sinuses.

14 Q. Okay. When was that going on?

15 A. That was a while ago. That was just before I
 16 got my teeth fixed. And I worked at the hospital at
 17 the time. So maybe two years ago.

18 Q. Was it before or after this -- the incident
 19 we're here --

20 A. It was before this even happened.

21 Q. Okay. Were they medications that were
 22 prescribed to you --

23 A. Yes.

24 Q. -- or were you taking somebody else's?

25 A. No. No, they were prescribed to me from my

1 kind of take the edge off.

2 Q. What kind of -- of medications are we talking
 3 about?

4 A. I got prescribed Vicodin, and I think he got
 5 the same, I'm not sure, because he had issues with his
 6 neck.

7 Q. Did there come a time, either when you were
 8 in Minnesota or when you moved back here, where you
 9 were using the -- the prescription narcotics in a form
 10 other than taking the -- the pills orally?

11 A. No.

12 Q. Never?

13 A. Nope.

14 Q. Okay. Were your -- did your mother ever
 15 provide you with any of her narcotic medications?

16 A. No. When I was younger, after my dad died, I
 17 had really, really bad cramps, you know, 'cause nerves
 18 come with all that. And I couldn't get out of bed.
 19 And she had called the doctors, and was given

20 permission to give me one of her Tramadol; and I ended
 21 up having an allergic reaction to it. And he came and
 22 asked what I took, and she told him, "I gave him a

23 Tramadol" -- you know, "I gave her a Tramadol for her
 24 cramps," because I couldn't get out of bed. And
 25 they're like, oh, okay. Because it wasn't a narcotic

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<p>1 at that point in time.</p> <p>2 Q. When did that happen?</p> <p>3 A. Oh, years ago. I would have to say it was</p> <p>4 January.</p> <p>5 Q. Of 2000?</p> <p>6 A. Of '01. It was right after my dad died when</p> <p>7 I got my period and ...</p> <p>8 Q. What did they do?</p> <p>9 A. What did what do?</p> <p>10 Q. What -- what did they do at the hospital,</p> <p>11 when you were taken to the hospital?</p> <p>12 A. Oh, nothing. They just released me. You</p> <p>13 know, they told me never to take Tramadol again because</p> <p>14 they're not sure -- you know, they thought that had</p> <p>15 caused an allergic reaction with my body.</p> <p>16 Q. What hospital was that?</p> <p>17 A. Mora, Minnesota.</p> <p>18 Q. Is there more than one?</p> <p>19 A. No, there should be just the one. As far as</p> <p>20 I know, there's just the one. I don't know what they</p> <p>21 have done since.</p> <p>22 Q. Okay. Who -- just go through and tell me who</p> <p>23 has provided medical care or psychiatric care for you</p> <p>24 since --</p> <p>25 A. This happened?</p>		<p>1 that?</p> <p>2 A. I don't remember the doctor's names. It was</p> <p>3 either Mora or Cambridge. I don't remember which</p> <p>4 hospital. It's been years.</p> <p>5 Q. Did you go to the hospital to get those</p> <p>6 medications?</p> <p>7 A. You kind of have to because the clinics are</p> <p>8 connected to the hospitals.</p> <p>9 Q. Okay.</p> <p>10 A. There, they're not separate like they are</p> <p>11 here. It's pretty much all in one.</p> <p>12 Q. Okay. So if we obtained those records, they</p> <p>13 would provide -- they would tell us who -- who</p> <p>14 prescribed those medications for you?</p> <p>15 A. Should. I think.</p> <p>16 Q. Okay. Then what about whenever you came out</p> <p>17 here? Who have you seen -- who did you see before this</p> <p>18 incident for healthcare?</p> <p>19 A. Reisner.</p> <p>20 Q. Reisner?</p> <p>21 A. Yeah.</p> <p>22 Q. What kind of doctor is Reisner?</p> <p>23 A. Family doctor.</p> <p>24 Q. Is he at a clinic --</p> <p>25 A. He's in Powell Clinic, I think is what it</p>	
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<p>1 Q. No. Since -- let's start with 2000, when you</p> <p>2 were living in Mora, Minnesota.</p> <p>3 A. I don't remember half the doctor's names. It</p> <p>4 was more in Cambridge. I can tell you the hospitals.</p> <p>5 Doctor's names, there's no way I could tell you them.</p> <p>6 Q. Do you remember the name of the clinic that</p> <p>7 you received care from?</p> <p>8 A. It was Mora Hospital and Cambridge Hospital.</p> <p>9 I don't -- I think they are Allina, but I'm not sure.</p> <p>10 Q. You think they're what?</p> <p>11 A. Allina Medical Centers, but I'm not positive.</p> <p>12 Q. Okay. Did you have a treating physician,</p> <p>13 somebody you saw on a regular basis?</p> <p>14 A. No. I used to, but he -- he retired.</p> <p>15 Q. What was his name?</p> <p>16 A. Grossbach (phonetic). But he didn't see me.</p> <p>17 He only saw me when I was a kid.</p> <p>18 Q. Okay.</p> <p>19 A. I don't even know if he's still alive.</p> <p>20 Q. Did you receive treatment at any kind of</p> <p>21 urgent healthcare place, any clinic like that in Mora,</p> <p>22 Minnesota? Any other treator that you can think of</p> <p>23 while you were there?</p> <p>24 A. Just the depression.</p> <p>25 Q. Who was -- who was providing medication for</p>		<p>1 would be called.</p> <p>2 Q. What's it called?</p> <p>3 A. In Powell. I think they consider it a</p> <p>4 clinic.</p> <p>5 Q. Have you provided those records?</p> <p>6 A. Yeah, I think so.</p> <p>7 I got them to you. But ...</p> <p>8 Q. The records that I have from Reisner only go</p> <p>9 back to --</p> <p>10 A. Until I got pregnant and then I went to</p> <p>11 Spomer, that could be why they don't ...</p> <p>12 Q. Well, they only go back as far as --</p> <p>13 A. Because I didn't see any doctors until I saw</p> <p>14 him.</p> <p>15 Q. You didn't see any doctor in Wyoming until</p> <p>16 you saw Reisner?</p> <p>17 A. Yeah. As far as I can recollect. He was the</p> <p>18 first one with open patients. I mean, I saw Wurzel.</p> <p>19 Q. I'm sorry. What was that?</p> <p>20 A. Dr. Wurzel from Expresscare after this had</p> <p>21 happened. Because I didn't go to the doctor that</p> <p>22 often, so I didn't have a primary. And I had just made</p> <p>23 Reisner my primary shortly before this had happened.</p> <p>24 Q. Why did they do that?</p> <p>25 A. Why do they do what?</p>	

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1 Q. Make him your primary.
 2 A. He was the only one who was available taking
 3 patients.
 4 Q. And why did you go see him before this
 5 happened?
 6 A. Before this happened, why was I seeing him?
 7 Just to have a primary doctor. Woman issues.
 8 Q. What kind of issues?
 9 A. Period issues.
 10 Q. Any other kind of issues you were having
 11 prior to this incident?
 12 A. No, just -- until I got my teeth fixed, it
 13 was pretty much my teeth and my period.
 14 Q. Who were you seeing for the mouth issues?
 15 A. Dr. Hull in Billings. Sweetest guy. He's an
 16 oromaxillofacial surgeon, if that makes any difference,
 17 to help find his number.
 18 Q. Let's talk about what medications you were on
 19 prior to this incident.
 20 A. Before this all happened?
 21 Q. Yeah.
 22 A. He wasn't -- unless I had teeth pulled or
 23 teeth issues, I wasn't on anything. If I had to have
 24 teeth pulled and stitched up, then I'd get some
 25 Lortabs.

1 blunt end of it. Like my poor husband was getting the
 2 blunt end of, you know, my depression. And I realized
 3 that and that's when I went in and got put on some
 4 Zoloft.
 5 Q. When do you think you started taking Zoloft?
 6 A. I don't remember. I know I still lived at
 7 home. Probably January maybe.
 8 Q. January of?
 9 A. '09. Maybe. Like I said, I'm not positive
 10 on these dates.
 11 Q. Were you reporting any anxiety --
 12 A. No.
 13 Q. -- or upset at the time?
 14 A. Just depression, just sad.
 15 Q. No anxiety?
 16 A. No.
 17 Q. What about insomnia?
 18 A. That's the issue I had with the Zoloft, is
 19 when I was taking them, and they, you know, started to
 20 kick in, I -- I was suffering from insomnia because of
 21 them. And my appetite wasn't really that well at all.
 22 Take a bite of something, it would taste horrible, and
 23 I'd spit it out. And I had called my doctor after
 24 being awake for a few days because I couldn't sleep.
 25 And he's like, "That is the effect of the Zoloft, you

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1 Q. What about any psychiatric medications,
 2 medications for --
 3 A. Not until after this happened.
 4 Q. Nothing until after this happened?
 5 A. I was on Zoloft. I don't know if that's
 6 considered a psychiatric medication or not.
 7 Q. It is.
 8 A. Oh, okay. So, yeah, Zoloft then.
 9 Q. How long were you taking Zoloft?
 10 A. Not long, couple weeks. I had bad effects to
 11 it, so I quit taking it.
 12 Q. Why did you start taking it?
 13 A. Depression.
 14 Q. When did you start experiencing depression --
 15 we talked about the depression that you were suffering
 16 from when you were living in Minnesota with your
 17 mother. Let's take it from the point in time when you
 18 and Bret moved back to -- to Wyoming. Tell me about
 19 what was going on with your psychiatric state?
 20 A. I just started going through -- you know,
 21 it's depression, it comes and it would go. When it
 22 would get closer to deaths, anniversaries, or birthday
 23 anniversaries is when I would start to get pretty down.
 24 Nothing that I -- you know, felt like I couldn't
 25 handle. But I also wasn't the one getting the whole

1 need to get off of them." And that's when they
 2 switched me to Trazodone.
 3 Q. Okay. So you were switched to Trazodone
 4 before this happened?
 5 A. No, I switched to it after, because the
 6 Zoloft, you know, you have to wait a month for it to
 7 hit your system. And then once it started to take
 8 effect in my system is when I started to have those
 9 adverse effects.
 10 Q. Okay. Did you take anything between the time
 11 that you moved from Minnesota and when you were
 12 prescribed the Zoloft in --
 13 A. No.
 14 Q. -- January of '09?
 15 A. No.
 16 Q. Okay. Would it be accurate to say -- no, go
 17 ahead.
 18 A. I know I was on Paxil at one point in time.
 19 But I don't remember if it was before or after.
 20 Q. Okay.
 21 A. But I think I was on Paxil when my dad died.
 22 Q. Okay.
 23 A. I think.
 24 Q. Were you on it after you and Bret got married
 25 when you were in Minnesota?

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1 A. No, when I -- when I met my husband was the
2 happiest time in my life.

3 Q. How about when you said that the marriage was
4 struggling?

5 A. That was when we lived back in Minnesota, you
6 know, with my mom and all the stress. And, you know,
7 he handled it well. He did. I didn't. I took, you
8 know -- it was my mom, you know, watching her slowly
9 deteriorate, you know, kind of gets to any person. I
10 don't know anybody who, with their mother, wouldn't
11 have the same feelings.

12 And once she started getting better, Bret and
13 I talked about what would be the best for us. And we
14 figured moving out here. You know, we were happy and
15 secure, and we had his parents to help if we needed it.

16 Sorry.

17 Q. Describe for me why that situation was
18 stressful to you. And -- and I'm asking you stressful,
19 that's the word that you used --

20 A. My -- yeah.

21 Q. -- as opposed to sad?

22 A. My dad and my brother died in that house. So
23 I'd have to go back to it with my mom wanting to die
24 there.

25 Sorry.

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1 And then Bret and I had moved back in, because I was
2 thinking if this is my only chance to say good-bye, I
3 don't want to miss it again.

4 And she started putting on weight when we
5 were living there, you know, making her good meals,
6 eating good meals, whatever she wanted, trying her best
7 to, you know, keep her comfortable. And she started
8 getting better. And the doctors were baffled.

9 And then when she started getting better,
10 Bret and I had talked about it, it was like, okay,
11 well, she's getting better, you know. We moved out,
12 and then my brother had moved back in with her, so she
13 wasn't alone. My full brother. I don't know if I have
14 to -- do I have to determine the difference between my
15 half and my full?

16 Q. No.

17 A. Okay.

18 Q. In Bret's diary, he talks about that time,
19 and, you know, says that it's very stressful and hard.
20 And he talks about the two of you using narcotics. And
21 he uses this reference to 980s. Do you know what that
22 refers to?

23 A. No, you'd have to ask him. I don't read his
24 journals. I don't ask him about his journals.

25 Q. What would it have been -- when he refers to

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1 Q. Take your time.

2 A. So having to go back there with my mom
3 wanting to die there kind of just brought back those
4 memories and thoughts. And ...

5 Q. And I'm sure it was hard that she was sick
6 and you were having to -- were you taking care of her?

7 A. I was doing my best. I was also working.
8 She had health nurses and stuff like that that would
9 come out and check her meds and check on her and make
10 sure she was getting the right Coumadin levels.
11 Because at one point she had to give her a shot --
12 herself a shot in the stomach. The needle is about
13 that long and just shoot it in. I couldn't stand
14 watching it, so we had to get a nurse to come and
15 observe because I couldn't -- couldn't watch that. Oh,
16 no.

17 Q. Okay. What was -- you said at one point in
18 time they had given her a -- a short time to live --

19 A. Yeah.

20 Q. -- when -- when did that happen?

21 A. They had given her, like when she -- she's a
22 bigger woman. She was over 200 pounds. And then about
23 a month, month-and-a-half, she had dropped down to a
24 130 pounds. And that's when they told her, you'll
25 probably only going to have three to six months left.

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1 being very addicted to narcotics, what's -- is he -- is
2 he referring to the medications that you talked about
3 before? Why -- why is he using that term, "very
4 addicted"?

5 A. Honestly, like I said, you'd have to talk to
6 him about that. You know --

7 Q. And I will.

8 A. I never wrote his journals. I don't know.

9 Q. I will. But I'm wondering if that's -- was
10 he just crazy for thinking that the two of you had an
11 issue or problem at that point?

12 A. I wouldn't call my husband crazy, and
13 honestly, I hope I'm not stepping boundaries, but I
14 would appreciate it if you did not call my husband
15 crazy.

16 Q. I'm not. I'm -- I'm asking you if you would
17 disagree with his impression that the two of you were
18 very addicted to narcotics when you were in Minnesota?

19 A. We were -- like I said, you know, if we'd get
20 prescriptions we would -- you know, we wouldn't take
21 them all at once. You know, but there would be days
22 where it's like, okay, you know, take a couple more,
23 you know.

24 Q. Did you feel like you were addicted to
25 narcotics when you were in Minnesota?

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1 A. I wouldn't say that, you know. Would I say
 2 that I felt that they helped? Yeah. But I was also in
 3 pain. So it's hard to say if they helped my -- you
 4 know, helped me because my pain was going away. Or if
 5 they -- you know.

6 Q. Okay. Okay. I'm going to move on to when
 7 you met the CI after you came to live in Wyoming. Tell
 8 me how you met -- got to know him?

9 A. A lady -- sorry -- a lady I worked with, a
 10 girl, because she's around my age, she's also my
 11 neighbor, had asked me and Bret, you know, you want to
 12 stop by and play some cards. And we didn't know
 13 anybody. We had no friends. And it was like, okay,
 14 you know, maybe we can meet some friends.

15 And we go over there and your CI was there.
 16 And you may have to catch me on that. He was there.
 17 And she was saying how he was homeless and living in
 18 his car. And his car window was broken. And it was
 19 when we were having those below zero weathers, you
 20 know, where it was getting cold out. And I was always
 21 raised, if you have it to give, you give it. You know,
 22 if you have it, you know, it's there to share. If you
 23 have enough. And we had an extra bedroom, you know.
 24 And instead of seeing some guy living on the streets in
 25 his car with a broken window, we took him in, gave him

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1 doing with his days, you know, when he was out of the
 2 house. I don't care what you do as long as you don't
 3 do it in my home.

4 And he would tell Bret one story, you know,
 5 yeah, I was over here doing -- buying this or doing
 6 that. And then later on he's telling me a different
 7 story, like me and Bret didn't talk, you know. And
 8 Bret would be like, "Yeah, he said he was doing this."
 9 I was like, "Really? He told me he went over to this
 10 person's house." You know, and he's like, "Oh, huh,"
 11 you know.

12 And then after that, we just constantly kept
 13 comparing notes, you know, and okay, what did he say to
 14 you today? Okay. Well, he said this to me. I mean,
 15 it was constant lies about little things we could have
 16 cared less about. I don't care who you're hanging out
 17 with or who you're sleeping with. That has nothing to
 18 do with me. I don't care. You know, but it's just
 19 those little lies like that, where it's like, okay, he
 20 obviously just feels the need to have to lie. And then
 21 those kept piling up.

22 Q. Did you ever smoke marijuana with him?

23 A. Yes.

24 Q. Okay. Did -- did he bring -- were you
 25 smoking the marijuana that you were growing in the

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1 a place to stay.

2 Q. What's the name of your friend from the
 3 hospital?

4 A. I don't know her last name. I know her name
 5 was Tabitha. Tabby is what we called her. She worked
 6 in the kitchen.

7 Q. Okay. When did he come to live with you, the
 8 CI come to live with you?

9 A. End of November, maybe beginning of December.

10 Q. Okay. A couple of months before this
 11 incident happened, three --

12 A. Yeah.

13 Q. Three, four months before this happened?

14 A. Yeah, probably about two months. I wouldn't
 15 even say three. Probably about two months.

16 Q. Okay. Did you become friends with him?

17 A. I wouldn't say friends. You know, he was a
 18 guy we were helping out. You know, a guy we both felt
 19 bad for. You know, I would never consider someone like
 20 him, you know, a friend. Even before all this
 21 happened, neither one of us would have considered him a
 22 friend. He lied too much.

23 Q. What did he lie about?

24 A. Anything and everything. It was really
 25 weird, you know, because we could care less what he was

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1 house? What marijuana were you smoking?

2 A. No, we were smoking -- 'cause the stuff that
 3 was in the house wasn't -- there wasn't even any buds
 4 on it yet. You couldn't smoke it. Anything we smoked
 5 was bought through him.

6 Q. What about before you got to know him, were
 7 you -- and I'm not going to ask you who you were
 8 getting it from. But were you obtaining marijuana from
 9 another source before you met the CI?

10 A. I tried. It didn't work out so well. And
 11 then after that, it's easy to quit. We just quit, you
 12 know. And then we met him. And he said that he could
 13 get us pot. And it's, like, great. So he went and got
 14 us a bag -- bag of pot. And we told him, Hey, if you
 15 see any seeds in there, we -- you know, try to keep
 16 them in the bag. Don't, you know, throw a fit about
 17 them. And then he kept them in the bag. And then
 18 that's where we got our seeds to grow with.

19 Q. What about other -- other types of drugs?
 20 Were there other types of illegal drugs, not --

21 A. In my home?

22 Q. In your home.

23 A. No. The only thing we told him when he moved
 24 in -- the only thing is you can smoke pot, that's it.

25 Q. And I mean -- and I'm not talking about his

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1 drugs. I'm talking about your drugs.
2 A. Yeah.
3 Q. Did you have any other --
4 A. We had prescription pills. But they were all
5 prescribed, you know, which shows in when they came in.
6 And it was all prescription drugs to mainly Bret,
7 couple in my name. But mainly in Bret's name, because
8 I didn't -- I don't have to hold on to my bottles like
9 he does with his. 'Cause he has to hold on to his.
10 Q. Why does he have to hold on to his?
11 A. Because with his appointments with the psychs
12 and stuff, they like to know everything he's been on
13 and the milligrams of it. And it just makes it easier
14 if we keep them in a box to okay, you know, I pull
15 them out and read them off and you write them down.
16 Q. Okay. I may come back and ask you about --
17 about his condition. But I want to -- I want to get
18 through the CI stuff.
19 In Bret's journal, he talks about obtaining
20 credit cards to buy the marijuana grow equipment; is
21 that accurate? Did you guys take out credit cards?
22 A. We -- we got a credit card, and that's where
23 we bought that light that was downstairs over the
24 plants.
25 Q. Okay. There's also some reference to

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1 sodium light? Does that ring a bell?
2 A. Could be.
3 Q. Were there also fans and timers?
4 A. Yes.
5 Q. Where did you obtain the fans and the timers?
6 A. Just a local store. I think the Wal-Mart or
7 Pamida, but I think Wal-Mart.
8 Q. Okay. Would you agree with the general
9 premise that there are some people who grow marijuana
10 to have enough to sell it?
11 MR. GOSMAN: Object to the form of the
12 question.
13 BY MS. WESTBY:
14 Q. And you can go ahead and answer.
15 A. What?
16 MR. GOSMAN: Go ahead. Feel free to answer
17 that question.
18 THE WITNESS: Can you repeat it then. I'm
19 sorry. I was --
20 BY MS. WESTBY:
21 Q. That's fine.
22 Would you agree with the general premise that
23 some people grow marijuana to have enough to sell it?
24 A. Some people, yes.
25 Q. Would you agree that some people would

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1 purchasing seeds --
2 A. No.
3 Q. -- and other equipment --
4 A. The only -- the only thing we got offline was
5 that one big light, which I don't know the name of it.
6 And all of our seeds were -- were -- what's that word?
7 That we got from. We got from -- I'll use that word
8 instead -- Bes -- CI. Sorry.
9 Q. Okay. Where were you getting the seeds when
10 you were growing marijuana when you were in Minnesota?
11 A. Easy. People.
12 Q. In the same manner, i: would just be --
13 A. We lived -- you know, we grew up in
14 Minnesota.
15 Q. Let me finish -- let me finish -- wait. Let
16 me finish my question. Listen to the -- the whole
17 question, then answer.
18 Were you getting the seeds in bags of
19 marijuana that you were purchasing?
20 A. Yes.
21 Q. Okay. Okay. Was the -- was the room where
22 the marijuana plants were in your house under the
23 stairs, was it painted white?
24 A. Yes.
25 Q. Is the light that you're talking about a

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1 consider trying to make money with a -- with a
2 marijuana grow operation?
3 A. Some people, yes.
4 Q. Were you and your husband, at the time of
5 this incident or around the time of this incident,
6 having any financial problems?
7 A. No. I made good money, and he had his social
8 security. Our house payments and bills were always
9 paid. And car payments were. And if we were ever
10 short, we'd borrow the money from his parents.
11 Q. How often did you do that?
12 A. Not very often when we lived in our own
13 house. I was very proud of ourselves for that, you
14 know, because I was making really good money. Our --
15 our house payment was only 650 a month, you know, which
16 Bret's check covered that. And then mine covered
17 utilities without a problem.
18 I wouldn't say we were rich or wealthy by any
19 means. We were living the line. But we're not -- we
20 never really -- we're not wanty people. So it was
21 pretty much groceries and miscellaneous items around
22 the house like knickknacks.
23 Q. And I'll just go through this now since you
24 have talked about it a couple times. But why is -- why
25 is Bret disabled?

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<p>1 A. He's bipolar.</p> <p>2 Q. When was that diagnosis made?</p> <p>3 A. I don't know. It was made before him and I</p> <p>4 were together.</p> <p>5 Q. Okay. Did he go on disability before you --</p> <p>6 A. No, he went on to disability after we were</p> <p>7 married.</p> <p>8 Q. Do you remember what year that would have</p> <p>9 been?</p> <p>10 A. Probably, I think, '05, I think.</p> <p>11 Q. How -- how did it come about that he was</p> <p>12 diagnosed with bipolar disorder?</p> <p>13 A. I don't know. I was -- like I said, it was</p> <p>14 before him and I were together. I know he has it, and</p> <p>15 I know the symptoms of it.</p> <p>16 Q. What are the symptoms?</p> <p>17 A. But I really don't try to pry too much into</p> <p>18 that. I mean, honestly, in my opinion, even though I'm</p> <p>19 his wife, that's something he has to deal with with the</p> <p>20 rest of his life. So that, I think, is personal for</p> <p>21 him. I mean, he'll tell me, . know he would. But I</p> <p>22 don't want to be the prying person, you know. Some</p> <p>23 things, even though you're married, are nice to be kept</p> <p>24 to yourself.</p> <p>25 Q. What are the symptoms of his disorder that</p>		<p>1 Q. Do you notice times when he struggles more</p> <p>2 with it than other times?</p> <p>3 A. Being his wife, I can tell when he's starting</p> <p>4 to have, like, anxiety, you know. But after being</p> <p>5 around for, you know, someone for so many years, you</p> <p>6 pick up on those. So I can kind of tell when he's</p> <p>7 starting to go through anxiety.</p> <p>8 The depression, it's one of those things</p> <p>9 where, you know, he'll let me know just so I'm, you</p> <p>10 know, aware, you know. Or he'll just want to sleep or,</p> <p>11 you know, he's just not himself, you know, just down.</p> <p>12 Q. What -- how does the anxiety manifest itself?</p> <p>13 What do -- what do you see when he's having anxiety?</p> <p>14 A. See, it's hard to say 'cause he doesn't talk</p> <p>15 to me much about it, you know, 'cause I know he doesn't</p> <p>16 want to freak me out, you know, being the paranoid</p> <p>17 wife, you know. I know his pupils will sometimes get</p> <p>18 really big, and his heart just starts just racing, you</p> <p>19 know, if you lay his head -- your head on his chest,</p> <p>20 it's just like (indicating). His legs, I've noticed</p> <p>21 that, you know and -- little things like that I can</p> <p>22 notice.</p> <p>23 But other than that, he's usually pretty good</p> <p>24 at telling me, you know, I'm going through anxiety</p> <p>25 right now. I need, you know -- I need to be quiet or I</p>	
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<p>1 you see?</p> <p>2 A. Sometimes --</p> <p>3 MR. GOSMAN: Can you --</p> <p>4 MS. WESTBY: I'm sorry?</p> <p>5 MR. GOSMAN: I -- I didn't catch the rest of</p> <p>6 the question. Go ahead. I have no objection.</p> <p>7 THE WITNESS: Do you want her to rephrase</p> <p>8 it --</p> <p>9 MR. GOSMAN: No.</p> <p>10 THE WITNESS: -- repeat it?</p> <p>11 Okay. Sometimes he'll get depressed. And</p> <p>12 then other times he's just in a good mood. You know,</p> <p>13 it's pretty much just moods. And I know he does suffer</p> <p>14 from anxiety. I don't really know much of anything</p> <p>15 else.</p> <p>16 You know, like I said, that's stuff that you</p> <p>17 would have to ask him. And I know he would be more</p> <p>18 than willing to let you know what he all has been</p> <p>19 diagnosed with.</p> <p>20 BY MS. WESTBY:</p> <p>21 Q. During the time that -- since you've -- since</p> <p>22 you've known him, has he always been on medications --</p> <p>23 A. Yeah.</p> <p>24 Q. -- for his condition?</p> <p>25 A. Yeah.</p>		<p>1 need the radio on or, you know, on low or, you know,</p> <p>2 he'll let me know things like that. And then it's like</p> <p>3 okay, I know he's going through, you know, just by him</p> <p>4 saying things like that to me.</p> <p>5 Q. Okay. What about -- you know, does he --</p> <p>6 when he's in a manic phase, how does that -- how can</p> <p>7 you tell when he's in a manic phase?</p> <p>8 A. Manic, that's where he's really depressed,</p> <p>9 right, or is that the happy high?</p> <p>10 Q. No, the high.</p> <p>11 A. Okay. Sorry. I get those two confused.</p> <p>12 He's just in a good mood. You know, he's</p> <p>13 just Bret.</p> <p>14 Q. Okay. Paranoia, have you ever seen him act</p> <p>15 paranoid?</p> <p>16 A. No.</p> <p>17 Q. Never?</p> <p>18 A. No, not -- I wouldn't call it paranoid, no.</p> <p>19 Q. What would you call it?</p> <p>20 A. Well, I mean, a dog barks, I look out the</p> <p>21 window. I mean, I don't know anybody who owns a dog,</p> <p>22 and their dog barks, and you're not going to look out</p> <p>23 the window. And that's pretty much about it. I</p> <p>24 wouldn't call him paranoid. And I've been with him</p> <p>25 forever. And I wouldn't say he's paranoid.</p>	

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1 Q. Okay. Did the two of you ever discuss 2 getting caught growing marijuana? 3 A. Well, you know, we figured -- we figured that 4 there would have to be an investigation. 5 Q. No. And what I'm -- I'm talking about before 6 this incident happened -- 7 A. Yeah. 8 Q. -- did the two of you ever discuss any 9 concern about getting caught growing marijuana? 10 A. No, just a misdemeanor. We weren't really 11 concerned about a misdemeanor. 12 Q. What about -- 13 A. And it would have to be -- you know, they 14 would have to do an investigation, and they would have 15 to have legitimate reason, which we didn't do anything 16 wrong. You know -- I mean, besides growing marijuana, 17 but I mean, with it. 18 Q. Were you concerned when police would go by 19 your house, and you knew that you had illegal -- 20 A. No. 21 Q. -- substances in your house? 22 That didn't concern you at all? 23 A. No. 'Cause as far as I knew, they had to do 24 an investigation. And they can go ahead and do an 25 investigation. They weren't going to find -- we didn't		1 Q. Were you ever concerned about, you know, 2 getting caught at work with somebody finding out that 3 you had been smoking marijuana, getting caught at work? 4 Did that ever bother -- ever concern you? 5 A. No, because I assumed that they would have 6 had to do an investigation. 7 Q. Yeah. And I'm not clear what you mean by 8 that. 9 A. To make sure that we were doing something 10 wrong. 11 Q. Okay. Was Bret ever -- indicated concern, or 12 did you ever have a concern that the two of you were 13 engaging in this illegal activity when Bret's father 14 was involved in -- 15 A. That's why we -- 16 Q. -- law enforcement. 17 A. -- went downstairs and would always cover 18 everything up. We both have nothing but the utmost 19 respect for Tom and his job. And that's why we did our 20 best to make it so, you know, there was no way in 21 heck -- can I say heck? 22 Q. So you wouldn't get caught? 23 A. Yeah. 24 Q. Correct? 25 A. Yeah. And that way he would never know,	
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1 talk to anybody, you know. 'We didn't know anybody. 2 And especially after all that had happened. It's like 3 okay, well, definitely ain't trusting anybody ever. 4 Q. All what had happened? 5 A. Getting busted and stuff, you know. 6 Q. Okay. 7 A. But after that, I never stepped foot in the 8 house either. 9 Q. But I'm talking about before this happened. 10 A. Oh, before this happened? 11 Q. Yes? 12 A. When he was living with us or before he was? 13 Q. Well, either time. 14 A. Okay. 15 Q. You know, you have - 16 A. Well, when he was living with us, 'cause 17 that's when we started growing the plants, because 18 obviously, I suppose, before plants are there, you have 19 no paranoia. But we didn't really think anything about 20 it because you have to do an investigation, you know. 21 And we figured we were nice enough to give this 22 homeless guy a place to live. You know, that -- you 23 know most people, if someone is nice to them like that, 24 feed them, shelter them, you don't expect them to turn 25 around and do that.		1 because we didn't want to pull him into it. 2 Q. So that was a concern to you? 3 A. Tom, yeah. Just because, you know, we didn't 4 want to pull him into it. I respect him. I don't want 5 to lose his respect. He's family. 6 Q. Is there a -- was there, in the house that 7 you lived in when this incident occurred, was there a 8 padlock on the basement door? 9 A. A padlock? 10 Q. Uh-huh. 11 A. No. 12 Q. Was there some kind of lock on the basement 13 door? 14 A. All of our doors have those little handle 15 locks. All of them. Bedrooms, bathrooms, basement, 16 they all had the handle locks. 17 Q. Did you keep that basement door locked? 18 A. No. There was no need to keep it locked. 19 Except for -- I will say one time we did lock it 'cause 20 when they were doing those fiberoptic cables around 21 town, they spliced our septic, and it was running into 22 the basement, which made the house smell, so I locked 23 the door because it stunk really bad until they could 24 come and fix it. 25 Q. How did they fix it? Did they --	

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1 A. Well, it was behind our house. So they just
 2 had to just dig up a hole and find where they had
 3 sliced through the pipe and then fix the pipe, which
 4 lasted temporarily.

5 Q. Did you do anything -- were you concerned
 6 about people potentially going into the basement when
 7 that was going on?

8 A. No.

9 Q. Did you cover up the plants or --

10 A. Yeah.

11 Q. -- or do anything?

12 Why did you cover up the plants?

13 A. Well, because if they had to go downstairs,
 14 didn't want them to see it.

15 Q. Right.

16 A. I mean, we knew it was illegal. But we also
 17 knew it was a misdemeanor.

18 Q. And you -- you didn't want to get caught,
 19 correct?

20 A. Correct. I mean, that would -- you know, I
 21 guess Bret and I neither one of us would do anything,
 22 you know, would want to do anything that would dis --
 23 get Tom to have less respect for us.

24 Q. The police, when they were at your house,
 25 found stuffed animals with the -- the seams ripped.

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1 hide drugs?

2 MR. GOSMAN: Object to the form.

3 BY MS. WESTBY:

4 Q. Putting it in the -- in stuffed animals?

5 A. I don't know what people do.

6 Q. Have you ever heard of that being done?

7 A. No.

8 Q. Okay. What's your explanation for the --

9 A. I have a tendency to -- when I was younger
 10 and depressed, I'd cut myself. I'd burn myself to try
 11 and make the pain go away. And then one day I
 12 discovered I can take it out on my stuffed animals
 13 instead of having to take it out on myself. And that's
 14 where that came from.

15 I mean, you lose your dad and brother and
 16 watch your half-brother almost die in front of you,
 17 you're going to have issues for a little bit, too.

18 Q. What happened to your half-brother?

19 A. He got into an accident, rolled his truck. I
 20 was in the vehicle right behind him, because I went to
 21 go get him. But he decided that he wanted to drive.
 22 Drove, crashed his truck, and lost his left eye, use of
 23 his left arm. He went back to the 14-year-old
 24 mentality.

25 Q. How --

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1 A. Uh-huh.

2 Q. Is that a method that people used for --

3 A. Instead of --

4 Q. -- hiding drugs?

5 A. Well, it's also a method people used instead
 6 of hurting themselves.

7 THE COURT REPORTER: I'm sorry.

8 MR. GOSMAN: You're -- you're going over each
 9 other here, Tricia. You'll have to wait until she
 10 finishes the question.

11 THE WITNESS: Okay. Sorry.

12 MR. GOSMAN: And then -- and then give me
 13 just a minute -- well, not a minute, but a second, to
 14 register an objection if I have one.

15 THE WITNESS: Okay. Sorry.

16 MR. GOSMAN: Thank you, Tricia.

17 THE WITNESS: Sorry. Just kind of in a hurry
 18 to get it done. I'm sorry.

19 MR. GOSMAN: Yeah.

20 MS. WESTBY: Sorry. Did you get -- get my
 21 question?

22 THE COURT REPORTER: I'm not sure. Say it
 23 again.

24 BY MS. WESTBY:

25 Q. Okay. Is that a method that people use to

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1 A. And he was pinned in his truck and he
 2 couldn't get out.

3 Q. And you were right there watching that?

4 A. (Witness nods head.)

5 Q. When did that happen?

6 A. I was 16. It happened four months after my
 7 brother killed himself. No. So I was 17 at that time.

8 Q. So then you began cutting and burning
 9 yourself?

10 A. (Witness nods head.)

11 It was an escape. And it was before
 12 medications, before antidepressants. You know, because
 13 I had stopped taking them because they didn't seem to
 14 work. They just kind of seemed to make things worse.

15 I was thinking about it more often than that, so I quit
 16 taking them. And then when I couldn't handle it, I
 17 would burn or cut myself.

18 Q. Do you have any scars?

19 A. Yeah.

20 Q. Are they visible?

21 A. Yes.

22 Q. Can I see them?

23 A. (Witness complies.)

24 Q. Do you -- can you point them out?

25 A. (Witness complies.)

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1 Q. Are those burns --
2 A. Yeah, these are burns. These are
3 lacerations.
4 Q. And I'm sorry. I don't see what you're
5 referring to when you say "lacerations".
6 A. There's another -- cuts. They are kind of
7 light because they were from years ago. There's one
8 there. There's one here. Stab mark there. Stab mark
9 there. Stab mark there. Burn there. Burn, burn,
10 burn, burn, burn.
11 Q. When did you stop doing that?
12 A. I had stopped when I was able to take
13 frustrations out on things like that. But then other
14 stuff happened, and I couldn't handle it.
15 Q. And so -- I'm sorry. I don't understand your
16 answer.
17 A. These ones are from about a month and a half
18 ago. I took away every other thing I could do. I had
19 no choice.
20 Q. Who took away everything you could do?
21 A. I couldn't stab any stuffed animals anymore.
22 I couldn't tear into things without fear. So the only
23 thing I could do was commit harm to myself, so I did
24 it.
25 Q. What -- why couldn't you take it out on

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1 THE VIDEOGRAPHER: We'll go off -- we'll go
2 off the record. The time is 10:22.
3 (Recess taken 10:22 to 10:39
4 a.m., October 4, 2010)
5 THE VIDEOGRAPHER: We're back on the record.
6 The time is 10:39.
7 BY MS. WESTBY:
8 Q. Okay. I'm going to go back and -- and cover
9 a couple of -- of things, or get a little bit more
10 detail on a couple of things.
11 You -- when I was talking to you about being
12 worried about getting caught. You kept telling me,
13 "Well, they would have to do an investigation." What
14 kind of investigation are you talking about? Where did
15 you get that information?
16 A. Well, they would have to do an -- you know,
17 it's just -- I always thought it was common knowledge
18 that in order to do a bust, you have to have
19 information. You have to have an investigation done.
20 You have to know for sure what you're going into.
21 Q. Where -- where did you obtain that
22 information?
23 A. Legal Ways in high school. It's a class that
24 they make you take.
25 Q. And what kind of class is it?

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1 stuffed -- stuffed animals?
2 A. Because of what they are trying to accuse me
3 of with my stuffed animals. And so I'm afraid that if
4 I even cut another stuffed animal, that they could
5 construe it in the wrong way.
6 Q. But these aren't cut marks.
7 A. These are burn marks.
8 Q. These are burns, correct?
9 A. Yep.
10 Q. Do you have any recent cut marks?
11 A. Nope, I don't cut because I have my son. I
12 burn because it's easier to take care of and control
13 and bandage up, and I don't have to worry about
14 bleeding or being too sore to take care of him.
15 Q. And you weren't burning the stuffed animals,
16 you were cutting open the back seam.
17 A. I would cut open the stuffed animals, yeah.
18 Q. Okay.
19 A. And I would take it out on that.
20 Q. Okay.
21 MR. GOSMAN: You okay? Do you need to take a
22 break.
23 THE WITNESS: (Witness nods head.)
24 MR. GOSMAN: It's break time.
25 MS. WESTBY: Okay. That sounds fine.

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1 A. Teaches you, you know, your rights and, you
2 know, legal aspects on things. Just pretty much how it
3 sounds, legal ways, you know.
4 Q. Okay. What about -- what about the fact that
5 you believe this would be a misdemeanor. Where were
6 you getting your information from?
7 A. Because as far as I was aware, is anything
8 under a certain amount is a misdemeanor.
9 Q. What's that amount?
10 A. I think -- I do believe it's 3 ounces, which
11 we had well under 3 ounces.
12 Q. Were you making sure that you had under
13 3 ounces?
14 A. Well, the two plants we had going didn't even
15 have any buds on them. And we make them small enough
16 where you know that you're not going to get that huge
17 amount. You know, it was only for personal. We didn't
18 need anything massive.
19 Q. Did you have other shoots started in addition
20 to -- or other starters, other than the two plants, as
21 well?
22 A. I don't understand.
23 Q. Did you have other plants started? Other
24 starters?
25 A. Oh, okay. Um, we had tried, but they didn't

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1 work out. They died. Male seeds. They just kind of
2 curled up and died.

3 Q. Okay. But you were at some point in time
4 trying to grow more than at least the two plants?

5 A. No, those would have been ready when the two
6 plants were done. You know, so we were not going over
7 the limit.

8 Q. And you were specifically trying -- you were
9 specifically conscious of the -- the limit?

10 A. Misdemeanor -- yeah.

11 Q. Okay. And I'm curious, you know, you talked
12 about -- several times you've talked about the fact
13 that you respect Tom, and you respect his job. But I'm
14 curious --

15 A. I respect his wife as well.

16 Q. Okay. And -- but I'm curious how that
17 relates to -- or -- or how you -- your concern about
18 doing illegal activities.

19 A. I don't understand.

20 MR. GOSMAN: Object to the question.
21 BY MS. WESTBY:

22 Q. Were you -- were you concerned about -- that
23 getting caught doing something illegal would look bad
24 for -- for --

25 A. Tom?

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1 Q. -- Tom?

2 A. Yeah. That's why we were very careful and
3 very cautious.

4 Q. And why you really didn't --

5 A. I mean, the only reason why we let him into
6 our house, the CI, sorry, into our house is because we
7 felt bad. You know, I -- I can't see somebody living
8 in their car in below zero weather.

9 Q. Did Tom Wachsmuth -- Wachsmuth know the CI
10 who was living with you?

11 A. No, he did not know he was living with us.

12 Q. He didn't know he was living with you?

13 A. No.

14 Q. Did he know the CI? Had he had any --

15 A. I don't know.

16 Q. -- dealings with him?

17 A. I know that, you know, after the fact this
18 had all happened, we had told Tom we had a guy staying
19 with us, you know. And he's the one who had turned us
20 in. And that's pretty much how far that went.

21 I think Tom was still a little upset with --
22 you know, what we had going on in our house. Can't
23 blame him. You know, I can never hold that against
24 him. I would be upset, too, if it was my kid.

25 Q. Did Tom tell you, after the fact, that he had

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1 come into contact with the CI in his job?

2 A. No. No -- well, not me per se, no. I know
3 that talking to my lawyer here, that he had been. And
4 then my lawyer got some information, and that's when
5 some things --

6 MR. GOSMAN: All right. Tricia, you do not
7 have to, and I instruct you not to, discuss any
8 information that is exchanged between you and I.

9 THE WITNESS: Okay.

10 MR. GOSMAN: Okay?

11 BY MS. WESTBY:

12 Q. Other than from your attorney, have you ever
13 heard that Tom Wachsmuth had any contact with the CI?

14 A. The only thing Tom had told us when he found
15 out who was living in our house was, "Shit." Sorry.
16 And pardon my language, you know. Because we didn't
17 know, you know, anything about him. I just knew he was
18 homeless.

19 Q. And Tom didn't ever come over to your house
20 while the CI was living at your house?

21 A. When he did come over, it was to help Bret
22 and the truck in the garage. And, you know, the CI
23 would usually either be gone or if he was there, he
24 would leave, which we never would -- you know, didn't
25 think anything of it, you know. Cause people leave,

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1 you know. Friends, things to do, you know.

2 Q. If -- if you were aware of the amount and
3 concerned about misdemeanor versus felony, was it your
4 understanding that the police could still get a search
5 warrant for a misdemeanor offense?

6 A. Yeah, and that's fine. I would have gladly
7 let them -- I would have let them into my home. I
8 would have shown them where the plant pots were. And I
9 would have shown them where my paraphernalia was.

10 Q. And you knew that there would be consequences
11 to your actions?

12 A. I knew I'd be getting a ticket.

13 Q. Could you also be arrested for that?

14 A. For a misdemeanor?

15 Q. Yes.

16 A. Usually as far as -- from what I know --
17 obviously I'm not in law enforcement. From what I
18 know, it's a ticketable offense. You get a ticket, you
19 go to court.

20 Q. Was this something that you ever talked to
21 Tom Wachsmuth about? Your questions --

22 A. Before?

23 Q. Before this happened.

24 A. Before this happened?

25 Q. Yes.

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<p>TRICIA WACHSMUTH - October 4, 2010 Direct Examination by Ms. Westby</p> <p>1 A. No, why would I talk to him about pot? 2 Q. I'm just asking. 3 A. Oh, no. 4 Q. When the police were in your house, they 5 found on your shelves, on your bookshelves, a big book 6 called a Cannabible. 7 A. Uh-huh. 8 Q. Is that correct? 9 THE COURT REPORTER: Cannon? 10 MS. WESTBY: Cannabible. 11 THE WITNESS: Could be the name of it. 12 BY MS. WESTBY: 13 Q. And that's the name of the book on the seam 14 of the -- you know, on the end of the book, the part 15 that's visible; is that correct? 16 A. I think so. I can't really answer that yes 17 or no. Because I don't remember the title. That's the 18 only reason why I can't answer yes or no. I do know 19 what you're talking about, but I don't remember the 20 title. 21 Q. Does the -- okay. Does the title, to your 22 recollection, have something to do with mari -- 23 marijuana? 24 A. Yes. 25 Q. Okay. And was that book taken off of the</p>	<p>Page 89</p>	<p>TRICIA WACHSMUTH - October 4, 2010 Direct Examination by Ms. Westby</p> <p>1 the stairs. But after we'd use it, it would go 2 straight outside into the garage. It wasn't something 3 I really cared to kick over when I'm going down to do 4 laundry. 5 Q. Okay. When the police executed the search 6 warrant, did they find potting soil at other places in 7 your house, other than the garage? 8 MR. GOSMAN: Well, go ahead and answer if you 9 know. 10 THE WITNESS: I don't know. 11 MR. GOSMAN: I mean, how would she know what 12 the police found. 13 THE WITNESS: I don't know. 14 MS. WESTBY: Well, I'm assuming that she was 15 aware of what was going on. 16 BY MS. WESTBY: 17 Q. Was there potting soil at -- 18 A. I wasn't aware -- 19 Q. -- inside your house when the police came to 20 execute the search warrant? 21 A. I don't know. 22 Q. And I'm curious, when you were talking about 23 cutting the -- the stuffed animals, it's accurate to 24 say, isn't it, that the stuffed animals that were cut 25 that were at your house were just cut on the seam?</p>	<p>Page 91</p>
<p>TRICIA WACHSMUTH - October 4, 2010 Direct Examination by Ms. Westby</p> <p>1 shelves and hidden when Tom and Donna would come to 2 your house? 3 A. They never looked at our bookshelves. There 4 was never no need. 5 Q. Okay. But you didn't take it out of the 6 bookshelves when they came? 7 A. No, there was no need. They weren't nosy 8 people. 9 Q. Okay. Did you also have High Times -- 10 A. Magazines? 11 Q. -- magazines around? 12 A. Yeah, which are not illegal. 13 Q. Did you leave those out when Tom and Donna 14 were at your house? 15 A. They were in the bookshelf. Like I said, 16 they never looked at the bookshelf. 17 Q. Okay. I'm wondering too -- 18 A. Sometimes I would turn them around, but they 19 never looked at the bookshelf. We didn't have any 20 books they like to read. 21 Q. Did you ever keep -- I think you told me that 22 you kept the potting soil out in the garage. Did you 23 ever keep the potting soil in the house or in the 24 basement? 25 A. Every now and then, i. would be on the top of</p>	<p>Page 90</p>	<p>TRICIA WACHSMUTH - October 4, 2010 Direct Examination by Ms. Westby</p> <p>1 A. That's because I would grab them. And it's 2 the easiest place to cut and it cuts quick -- quick. 3 Just kind of grab it, hold it there, stab, and rip. 4 Q. And so the answer -- 5 A. And then -- 6 MR. GOSMAN: That's okay, Hon, I'll do it. 7 BY MS. WESTBY: 8 Q. The answer to my question would be yes, that 9 they were just cut on the -- on the seam? 10 A. Some of them, yeah. 11 Q. Were there any that were cut other places? 12 A. Yeah, I had cut a bear in the foot one time. 13 And I don't know if they were in my house or if they 14 were still left at my mom's. That's why she would fix 15 them and send them to me because they were sentimental. 16 The stuff my dad got me before he died. Then after he 17 died, I kind of -- he had the wise. 18 And so -- you know, I started cutting myself 19 and I grabbed a stuffed animal one day and had it with 20 its face down like that right on the back and shoop 21 (indicating), and that's how it all started. It made 22 me feel better. 23 Q. And there were stuffed animals in a shipping 24 box in your house, correct? 25 A. Yeah.</p>	<p>Page 92</p>

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1 Q. With the seams cut?
 2 A. Yeah, for her to sew them.
 3 Q. So your testimony is that you were sending
 4 those to her or that she was sending them back to you?
 5 A. I was sending them to her so she could sew
 6 them for me. I don't know how to sew. You could give
 7 me a needle and thread right now, and I'd be asking you
 8 how to do it. So I would send them to her to sew. And
 9 she would sew them up because they were ones, like I
 10 said, my dad had given me. And then she would send
 11 them back to me looking like new.

12 Q. So your testimony is that the stuffed animals
 13 that had the seams ripped, that were in the shipping
 14 box in your house, were ones that you were going to
 15 ship back to your mother to have her sew up to send
 16 back to you?

17 A. Uh-huh.

18 Q. Okay. Is that a "yes"?

19 A. Yes. Sorry.

20 Q. Also, in your house, you had a book about --
 21 basically, a drug ID book. correct?

22 A. Uh-huh.

23 Q. Is that a "yes"?

24 A. Yeah. Sorry. Yes.

25 Q. What -- what was that book for?

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1 Chihuahua, and if something happened to fall on the
 2 floor, you'd think, oh my gosh, did he eat one? And
 3 then you'd be looking it up: Okay, well, it's not
 4 going to hurt him. Okay, just an ibuprofen, no big
 5 deal.

6 Q. Did that happen often, that there would be a
 7 pill on the floor?

8 A. Not too often, but occasionally. You know,
 9 when you open them up, sometimes they fall.

10 Q. Is Tabitha's last name Armstrong?

11 A. Could be.

12 Q. Does that ring a bell?

13 A. Maybe. Like I said, she worked in kitchen.
 14 I worked in housekeeping.

15 Q. Was she a -- somebody who you spent time
 16 with?

17 A. She did piercings for me. And then like I
 18 said, she became our neighbor. And it was a place
 19 where we'd play cards, poker, and then we'd leave. You
 20 know, usually if I was getting a piercing done, Bret
 21 would be waiting for me.

22 Q. How did it happen that the CI moved out of
 23 your house?

24 A. We kicked him out.

25 Q. Why?

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1 A. Just to have. You know, 'cause like Bret is
 2 on certain medications, it's nice to be able to look
 3 them up before he takes them. He's one of those types
 4 where if he gets new meds, he has to know side effects
 5 and what he's taking and if he can take it with certain
 6 things. You know, with his condition it kind of helps
 7 ease his mind just to know what he's taking.

8 Q. And didn't he get that information with the
 9 medications when they were prescribed to him?

10 A. Not enough -- not all that is there. You get
 11 different stuff from different things. He was just --
 12 he's the type who -- after you meet him, he's the type
 13 who has to do the most thorough look at stuff before he
 14 takes it. 'Cause --

15 Q. Is -- okay. Is that the type of drug ID book
 16 that has a picture of the drug so you can identify
 17 the -- the pill from a picture of it?

18 A. Yes.

19 Q. Okay. Did you ever use that book to identify
 20 a prescription pill that you weren't sure what it was?

21 A. No. Well, we knew what it was by the label,
 22 you know. But we didn't know the effects of it. So
 23 every now and then -- you know, or if we'd find a pill
 24 on the floor, we'd pick it up and look and say, okay,
 25 do I need to call for my dog? Because we have a little

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1 A. Several reasons. You know, Bret and I were
 2 first talking about it was with the lies. And then we
 3 had found out that he brought methamphetamines into our
 4 home, which we had told him when he moved in, we were
 5 totally against and did not allow in our house. The
 6 only thing we would ever allow him to do in our house
 7 is smoke marijuana.

8 And then when we found that out, we kicked
 9 him out, you know, between all of the lies and constant
 10 lies. And then found that out, and it's like, okay,
 11 you're done. You know, you need to find a new place to
 12 live. You have a job now. And then he got mad and we
 13 kicked him out. He told us we would regret it. We
 14 have much more to lose than what he does.

15 Q. Okay. Anything else that I need to know
 16 about why he left?

17 A. No, that's pretty much it. Bad roommate.
 18 Bad decision. Learn not to help people.

19 Q. Were you concerned that it was more likely
 20 that you were going to get caught with him in the
 21 house?

22 A. No. You know, like I said, we knew it was a
 23 misdemeanor. And honestly, helping somebody, I was
 24 always raised that, you know, if you can help somebody,
 25 you help them. And he was in his car below zero,

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1 window broken, freezing, no food. Bret and I talked 2 about it and neither one of us could just turn him 3 away.		1 didn't answer because it was restricted, you know. So 2 he's like, hum, I'm not going to answer that. And he 3 left him a message telling Bret, "Yeah, I just turned 4 you in. You need to get all your shit out of your 5 house." And just -- sorry. Pardon my language. You 6 have to get all of your stuff out of the house. And 7 just went often into that rant. You know, I just 8 turned you guys in. You know, good luck.	
4 Q. Where did he get a job? 5 A. It's one of the restaurants. It's downtown. 6 It's the one where you walk in and they have that glass 7 piece, and you watch them make it. I think it starts 8 with a T. Tios, I want to say.		9 It's like well, thanks. But we still didn't 10 think anything of it, you know. It's like, okay, you 11 know, well, they have to do an investigation. They are 12 not going to find anything because we don't talk to 13 anybody.	
9 I suppose you're not from here either, huh? 10 MR. GOSMAN: No.		14 Q. Describe this investigation that you think 15 needed to be done.	
11 BY MS. WESTBY: 12 Q. What -- 13 A. I think it's Tapatio's.		16 A. Well, when it comes to drugs especially, they 17 need to make sure that their informant is reliable and 18 they need to verify that, okay, this is a drug house, 19 look at all this traffic. And things like that, I 20 would think. You know, according -- you know, it's 21 been years since I've taken that class, but...	
14 Q. Okay. What weapons did you and Bret have in 15 the house at the time -- around the time that this 16 incident occurred?		22 Q. According to that class you took in high 23 school or something else?	
17 A. We had a .22, .357, .45 Long Colt, and his 18 hunting rifles, which I have no idea what those would 19 be called besides hunting rifles.		24 A. Uh-huh. My class.	
20 Q. Where were they located in the house before 21 this -- before the police came and executed the search 22 warrant?		25 Q. And only the class?	
23 A. Bret -- after we had kicked the CI out, and 24 he had threatened us, Bret took the .22 and he placed 25 it on the bookshelf. Because in our living room was			
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1 our TV and then there's a bookshelf here with an 2 opening through the kitchen-type area. Our bookshelf 3 was under there.		1 A. Yeah, I've taken a class. And in the class 2 they, you know, would teach you your rights and things 3 like that. And what you have the right to do and -- 4 sorry. I just need to breathe. Okay.	
4 And Bret told me, he's like, "I'm placing 5 this here," and he'd place it before he left. I'm 6 placing this here in case, you know, he does try 7 something when I'm not home, out of fear for my safety, 8 you know, after he did threaten us.		5 Q. When did the CI move out of your house? How 6 many days before this incident happened?	
9 He put that there. And all the other ones 10 were in the bedroom.		7 A. January, I do believe, is when we kicked him 8 out. Maybe -- it was either the end of January or 9 beginning of February.	
11 Q. And let's talk about -- 12 A. But -- sorry.		10 Q. What day did this happen on?	
13 Q. Let's talk about the threat. Tell me 14 specifically what the threat was?		11 A. February 24th.	
15 A. He was going to get us. He would get us 16 back. We had a lot more to lose than what he does. 17 And he said that to Bret, "You have a lot more to lose 18 than I do." And he had told us both that he was going 19 to get us back for this. "I will get you for this."		12 Q. So how -- do you have a -- a recollection of 13 how many days or weeks before this happened that you 14 kicked him out?	
20 And then he had threatened that, and that's what made 21 Bret worry about me.		15 A. Like I said, maybe a month.	
22 Q. Did he, in fact, threaten to get you by 23 turning you into the police for your illegal activity?		16 Q. Okay. Now, you were telling me about the -- 17 the gun placement after he moved out. Was that the gun 18 placement the whole month in between or was there a 19 specific time that that happened?	
24 A. At that point, no. He called Bret the day 25 that this all had occurred. He had called Bret. Bret		20 A. After he moved out and after he had 21 threatened us, that's when Bret got concerned with me 22 being home alone. I'm not a big girl. So Bret would 23 be concerned about me being home. And that's why he 24 would put the .22 -- every time before he left, he'd 25 put the .22 on the bookshelf for me. That way, you	

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1 know, it was someplace he never knew of, and it was
2 someplace where I could get to in case -- because he --
3 he showed Bret and I a gun that he had.

4 Q. The CI did?

5 A. The CI did.

6 Q. And did he know --

7 A. And with Bret knowing that he had this gun,
8 Bret got really concerned for me after he had
9 threatened.

10 Q. And did the CI know where Bret's guns were?

11 A. I know -- I don't know actually, because we
12 kept them in our bedroom. So unless he went into our
13 bedroom and dug through, you know, the dresser drawer,
14 no. 'Cause we kept the .357 and the .45 in the top
15 dresser drawer. And then over by the side, 'cause our
16 dresser was here, and there was just like an open
17 little side here. He kept his long rifle -- shotguns,
18 rifles, one of the two I think they are shotguns.
19 Hunting guns, I'll say. I'm not a gun person. He'd
20 keep those by the side of the dresser.

21 And then the ammo was kept in a chest at the
22 end of our bed.

23 Q. Did you keep weapons loaded in your house?

24 A. Yes.

25 Q. Which ones?

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1 A. There was two -- I know it was the .22. The
2 other one, I'm not sure. I never loaded them. You'd
3 have to ask my husband that.

4 And I know the .22 was loaded because he had
5 set it there for me just in case. And he told me
6 safety is on and it's loaded.

7 Q. Did you keep loaded weapons in your house
8 before the CI moved in with you?

9 A. Not unless we went shooting. I think Bret
10 might have kept one loaded in the bedroom. But I'm not
11 a gun person. I don't pick them up to play with them.
12 So I never really paid attention to which ones he did
13 have loaded and which ones he didn't.

14 Q. Did you get any weapons, any guns, after you
15 moved to -- back to Wyoming from Minnesota? Or did
16 you -- had you had all of these?

17 A. I don't get the question.

18 Q. Um, did you have all of those guns that
19 were --

20 A. When he lived --

21 Q. -- that were in your house when you lived in
22 Minnesota or those -- or were those ones that you
23 bought after you moved back to Wyoming?

24 A. No. A lot of them were Tom's. We'd borrow
25 them, you know, because we'd go out to the shooting

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1 range and shoot them. And a couple of them -- a few of
2 them are Bret's, his hunting guns, and stuff like that
3 were his. I think were his.

4 Q. Which ones were Tom's?

5 A. The .22, the .357, and the .45 Long Colt.
6 And then I don't know about the long rifles. You'd
7 have to ask my husband that. I don't know whose are
8 whose. I could be completely wrong on that.

9 Q. How did Bret end up with Tom's guns?

10 A. Because we'd go out to the shooting range.
11 And after the shooting range, we'd go home.

12 Q. Did Bret ask Tom for those --

13 A. He borrowed them.

14 Q. -- guns?

15 A. Yes.

16 Tom would occasionally come out to the
17 shooting range with us, our vehicle was the one where
18 we'd just put them in because Bret's truck was a little
19 bit bigger.

20 Q. When did the CI make these -- make the -- the
21 threat --

22 A. After we kicked him out.

23 Q. -- to you?

24 At what point in time? Immediately? Couple
25 weeks later? What?

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1 A. The day we kicked him out, he made the threat
2 that we were going to regret it. And then maybe a day,
3 maybe two, later is when he had made the threat, you
4 guys have a lot more to lose than I do.

5 Q. And then the day that this incident occurred,
6 he called and said he'd turned you guys in?

7 A. Yeah.

8 Q. Okay.

9 A. And then he left it on Bret's voice mail, so
10 Bret would be more of a detailed accurate on what he
11 had left on that message.

12 Q. Okay. Tell me about the 24th, the date of
13 this incident, what you were doing before the police
14 came.

15 A. I was sitting on the couch watching Grease.

16 Q. Okay. Where was Bret?

17 A. At his parents's house.

18 Q. How long had he been there?

19 A. I'm not sure. Not too long. Maybe half an
20 hour, an hour. Maybe about an hour.

21 Q. Okay. Was there anybody else in the house?

22 A. No. Thank God.

23 Q. Is there a -- is there some kind of, you
24 know, metal thing that could be used as a padlock on
25 the basement door?

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1 A. It was just the handle.
 2 Q. There was nothing that --
 3 A. A dead bolt or anything like that?
 4 Q. Or a piece of metal that went over?
 5 A. One of these hooky slides?
 6 Q. Uh-huh.
 7 A. No, just the door handle.
 8 Q. Okay. Or one of those things that you could
 9 hang a padlock on, a metal piece that goes over that
 10 you hang a padlock on?
 11 A. No.
 12 Q. Okay. So you're sitting on the couch
 13 watching Grease, Tom -- or Bret is at Tom and Donna's
 14 house. What happened?
 15 A. I curled up on the couch with a blanket, and
 16 I have the dog on me, Chihuahua. And all of a sudden,
 17 he's just staring at the door. Which he has never
 18 done. Just stared at it. You know, no growl, no bark
 19 no nothing, just staring. So I was thinking, okay,
 20 maybe Bret is pulling up.
 21 And so I leaned back -- and -- can I lean
 22 back? I leaned back and looked out my window, and I
 23 saw something, but I wasn't sure what it was. I saw
 24 some person. My heart starts racing. It's like, okay,
 25 you know, is this CI trying to break into my home

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1 warrant, police search warrant. And then a guy came
 2 running in and had a gun held at me.
 3 Q. Okay. And when you say held at you --
 4 A. It was -- I was sitting on the couch, hands
 5 up, of course, you know -- because at first I grabbed
 6 my cell phone to call 911 because I wasn't sure what
 7 was going on. I was thinking I was getting robbed.
 8 I grabbed my phone and then the officer was
 9 told to take my phone. He took my phone. And I looked
 10 up, and that's when I realized it was the cops. And
 11 the officer had the gun pointed directly at my head the
 12 entire time. I'm sitting there with my hands up.
 13 Blanket still on me.
 14 Q. What kind of weapon was it?
 15 A. A big long one. I just call it a big -- big
 16 one.
 17 Q. Okay. And your testimony is that he had it
 18 pointed at your head?
 19 A. Yep.
 20 Q. How far away from you was he?
 21 A. About from me to you.
 22 Q. Do you know which officer that was?
 23 A. (Witness shakes head.)
 24 Q. Okay. And then what happened?
 25 A. Okay. And then I was sitting there on my

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1 knowing that the Blazer is gone, knowing Bret is gone?
 2 So I lean forward just to make sure, you
 3 know, get a double-take and I squinted, because I
 4 didn't have my glasses on. And as soon as I leaned
 5 forward and squinted it was just bam. Throughout my
 6 whole house.
 7 Q. Okay. Let's talk first about -- was there a
 8 knock at the door?
 9 A. No.
 10 Q. You never heard a knock at the door?
 11 A. Never heard a knock at the door.
 12 Q. How high was the TV up?
 13 A. Not high. It was just me sitting on the
 14 couch, not far from the TV. You know, it wasn't at a
 15 high volume at all.
 16 Q. Did you see one or more people come up the
 17 stairs?
 18 A. What do you mean? After they busted in or
 19 when I looked out the window.
 20 Q. No. When you looked out the window?
 21 A. When I looked out the window I could only see
 22 one. And that's why I squinted closer. And as soon as
 23 I squinted closer, made eye contact with the one, it
 24 was just boom throughout my whole house.
 25 And then they came running in. Police search

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1 couch with my hands up. And they are going around,
 2 clear, clear, clear, clear. And then they get to the
 3 basement door. And I hear, "Oh, it's unlocked. Get
 4 her. She's going first."
 5 I said, "Me?" And he said, "Yes, you. Get
 6 her. She's going first." And then that's when I stood
 7 up, hands up the entire time. And the officer got
 8 behind me with his gun. And there's officers -- a few
 9 officers lined up here along the -- there's the door to
 10 the garage -- basement. And then there's a few
 11 officers here. I'm walking by, guns pointed at me the
 12 entire time.
 13 Q. When you say guns pointed at you, where on
 14 your body were they pointed?
 15 A. As I was walking by them, the guy behind me
 16 had it at my head the entire time. As I was walking by
 17 them, I don't know. They were just pointed at me.
 18 Q. So show me how the guy has his gun pointed at
 19 your head, the one who is walking behind you.
 20 A. (Witness complies.)
 21 Like that.
 22 Q. Okay. Where were the other officers' weapons
 23 pointed?
 24 THE COURT REPORTER: I'm sorry. I didn't
 25 hear you.

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<p>1 BY MS. WESTBY:</p> <p>2 Q. Where were the other officers' weapons</p> <p>3 pointed?</p> <p>4 A. Okay. As I was walking by them, they were</p> <p>5 just kind of following me with them. And then I get to</p> <p>6 the top of the stairs, kind of went to the side and was</p> <p>7 told, "Yeah, you're going." And so I started to go</p> <p>8 down the stairs. Officers are following. And I got</p> <p>9 really scared. All these thoughts kept going through</p> <p>10 my head. You know, what if I trip? What if my furnace</p> <p>11 goes off? What if I knock something down the stairs?</p> <p>12 Am I going to get shot? You know, they are all behind</p> <p>13 me, you know.</p> <p>14 And I had my hands up -- because I stopped</p> <p>15 halfway and put my hands up against the wall. When I</p> <p>16 stopped and put my hands up against the wall, they kind</p> <p>17 of took a step back. Everybody lifted up their guns.</p> <p>18 And then the guy -- and then the guy who was on my side</p> <p>19 right about here, he had his gun, and he had to let go</p> <p>20 and shift it into one hand and reached for me. When I</p> <p>21 had my hands up against the side of the wall, I was --</p> <p>22 I was froze. I was scared. He grabbed me, pulled</p> <p>23 me -- pushed me away from the wall. As he pushed me</p> <p>24 away from the wall, he said to keep going. And I</p> <p>25 looked back and saw the officers and guns. And I just</p>		<p>1 (Recess taken 11:15 to 11:30</p> <p>2 a.m., October 4, 2010)</p> <p>3 (Matt Brilakis and Matt</p> <p>4 McCaslin are no longer</p> <p>5 present.)</p> <p>6 THE VIDEOGRAPHER: Okay. We're back on the</p> <p>7 record. The time is 11:30.</p> <p>8 BY MS. WESTBY:</p> <p>9 Q. I want to go back through and get some --</p> <p>10 some more details so that I can make sure that I'm</p> <p>11 clear about what you're talking about.</p> <p>12 You testified that as you were walking to the</p> <p>13 top of the basement stairs, that an officer had a gun</p> <p>14 pointed at the back of your head, correct?</p> <p>15 A. Yep.</p> <p>16 Q. If you were in front of him, how do you know</p> <p>17 that he had the gun pointed at your head?</p> <p>18 A. Because when I stood up from the couch, he</p> <p>19 did that number. And I stood there, and he was behind</p> <p>20 me. I could feel him behind me. You know, and you</p> <p>21 know when someone is behind you.</p> <p>22 Q. Did you look behind you?</p> <p>23 A. When he -- when he first went like that, and</p> <p>24 I went like that, and he stood behind me with his gun.</p> <p>25 Shoop, (indicating), however you hold a gun.</p>	
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<p>1 kept going.</p> <p>2 And then when I got down to the bottom of the</p> <p>3 stairs, as soon as I had got down to the bottom and</p> <p>4 stopped, that's when they all came rushing down. And</p> <p>5 an officer came and cuffed me. As he put my cuffs on</p> <p>6 he told me, he was like, you know, "I'm not going to</p> <p>7 put these on tight. Please don't get out of them.</p> <p>8 You've been cooperative." And he took me immediately</p> <p>9 upstairs. And I had asked to get my shoes on.</p> <p>10 And he checked my shoes. He said, "Yeah,</p> <p>11 we'll do that for you." He checked my shoes, let me</p> <p>12 put on my shoes. And I was shaking so bad that I had</p> <p>13 to ask for a coat. And he had an officer grab me one</p> <p>14 of my coats that was hanging up, so I could get a</p> <p>15 little warm and quit shaking.</p> <p>16 And then I was sitting in the cop car. And</p> <p>17 as I was sitting in the cop car looking, I could see</p> <p>18 some officers standing by my couch laughing and</p> <p>19 talking. And then another officer has a camera, get</p> <p>20 ready to take a picture. And an officer jumps in front</p> <p>21 of the camera and goes just like that.</p> <p>22 MS. WESTBY: Do we need to take a break?</p> <p>23 MR. GOSMAN: I think we probably do.</p> <p>24 THE VIDEOGRAPHER: We'll go -- we'll go off</p> <p>25 the record. The time is 11:15.</p>		<p>1 Q. So do you know if at any point in time he put</p> <p>2 it down while he was walking behind you?</p> <p>3 A. No. Because when we were at the -- when I</p> <p>4 stopped at the bottom of the stairs with my hands up, I</p> <p>5 looked up --</p> <p>6 Q. And I'm talking about -- I'm talking about to</p> <p>7 the top of the stairs. From the point in time when you</p> <p>8 were -- when you got up off the couch to the point in</p> <p>9 time when you got to the top of the stairs, you said</p> <p>10 that an officer had a gun pointed at the --</p> <p>11 A. Back of my head.</p> <p>12 Q. -- back of your head.</p> <p>13 A. Yes.</p> <p>14 Q. And I'm wondering how you know that if you</p> <p>15 were walking in front him and he was behind you.</p> <p>16 A. Because when I first stood up, I saw him</p> <p>17 behind me with the gun pointed to my head as I was</p> <p>18 walking and you could hear his foot -- footsteps behind</p> <p>19 me walking.</p> <p>20 Q. Could you see the gun?</p> <p>21 A. After that? No. But I know it was pointed</p> <p>22 at my head. Because when I was going down the stairs</p> <p>23 and I stopped halfway down, I looked up, he still had</p> <p>24 that gun pointed at me.</p> <p>25 Q. In fact, I think what you testified to is</p>	

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1 that when you stopped halfway on the stairs, he brought
2 the gun back up?

3 A. Yes. They were -- they were in a relaxed
4 position. And then as soon as I stopped, they went
5 like this.

6 Q. So at some point in time, they put their guns
7 down?

8 A. From my head.

9 Q. From your head. Do you know when that
10 happened?

11 A. Honestly, I can't for sure say they put
12 them down from my head because they were behind me.

13 Q. So it could have been from the -- the point
14 in time when you got up and walked in front of them?

15 A. No. He was having that gun behind me on my
16 way to the stairs. I know that because I saw him
17 following me with that gun behind my head.

18 Q. And then whenever you went down the stairs --

19 A. For -- for that -- for that period when I was
20 walking down the stairs until I turned -- no, I did not
21 know if they were pointed at my head or not. But as
22 soon as I stopped and put my hands up, they took a step
23 back and they went from that position up to this
24 position.

25 Q. So while you were walking down the stairs --

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1 or at least at some point --

2 A. For about a 30-second period, I don't know.

3 Q. -- they were down, and then they brought them
4 back up; is that correct?

5 A. While I was down the stairs, yes.

6 Q. Okay.

7 A. And then they were held there until I made it
8 to the bottom of the stairs. I was scared.

9 Q. Let's talk about how many officers were going
10 down the stairs behind you.

11 A. I didn't count. I was too scared to count.

12 A lot. The stairs were filled.

13 Q. Are the stairs narrow?

14 A. Yeah. I would say narrow, normal basement
15 stairs.

16 Q. One person can get through at a time?

17 A. Depending. Too smaller people can go through
18 down at once. Like Bret and I can go down through at
19 once.

20 Q. Did you walk side by side going down the
21 stairs?

22 A. With an officer, no. They were -- they
23 were -- one was about right here on my side.

24 Q. That's not my --

25 A. But he wasn't on my side.

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1 Q. Listen to my question. Let me get to the end
2 of -- of my question and then answer -- please answer
3 what I ask you.

4 Did you and Bret walk side by side -- could
5 you --

6 A. Me and Bret --

7 Q. -- walk side by side --

8 A. My husband Bret?

9 Q. Yes, you and Bret, could you walk side by
10 side going down the basement stairs?

11 A. We could, yeah. I'm small.

12 Q. So is that something that you did on a -- on
13 a regular basis?

14 A. No.

15 MR. GOSMAN: Object to the form of the
16 question.

17 BY MS. WESTBY:

18 Q. Because --

19 A. I don't understand it.

20 BY MS. WESTBY:

21 Q. Because basically, it's a stairway that's big
22 enough for one person, correct, so you go single file
23 down the stairs generally?

24 A. Generally.

25 Q. Okay.

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1 A. Unless we were playing around.

2 Q. The -- about at a certain level on the
3 stairs, it's open to the basement, correct, on the --

4 A. Yeah.

5 Q. -- left side?

6 A. It goes like this. And then you can see.

7 Q. You can see into the basement?

8 A. Yeah, after about a quarter of the way down
9 there's, like -- it kind of goes like that.

10 Q. Okay.

11 A. You know, and there's the stair like that.

12 Q. And you knew that no one was downstairs,
13 correct?

14 A. Honestly, after all this, I started to think
15 that, okay, when I went to the bathroom, maybe somebody
16 snuck in my house and ran down the basement because of
17 how many times they continuously asked me who all was
18 in this house. And I kept telling them it was just me.

19 Q. You were not aware of anybody else being in
20 the house?

21 A. As far as I knew, no.

22 Q. Okay. And you said that your concern going
23 down the stairs was that you would fall, correct?

24 A. I would either trip, hit something, my

25 furnace would go off, and I'd get shot. And like I

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1 said, you never know. And even in my -- even in my
 2 thing it states that I had no clue if somebody was down
 3 there. You know, my doors were all unlocked. I went
 4 to the bathroom. You know, you don't hear anything.
 5 You know, someone comes in quietly and goes straight to
 6 the basement. It was unlocked.

7 Q. Did you have any indication that anybody,
 8 other than you, was in the house before the police
 9 arrived?

10 A. Before the police arrived, no, I thought it
 11 was just me.

12 Q. Okay.

13 A. But then as they -- after they made me go
 14 first, I started to think, you know, what if my furnace
 15 goes off? Are they going to shoot me? What if I kick
 16 something on the side of the stairs, am I going to get
 17 shot? What if there is somebody down there, am I going
 18 to get shot? You know, because I knew it wasn't Bret.

19 Q. Okay. And let's talk about -- let's talk
 20 about this stairway. Because the stairway -- at the
 21 end of the basement stairs is a wall, correct?

22 A. Yep. It goes there and then there's a wall,
 23 and then a turn off.

24 Q. Okay. So in between, as you're walking down
 25 the -- the stairs, the basement -- the part of the

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1 And I heard my fire alarm going off. My house is
 2 filled with smoke. And when I was sitting on the couch
 3 with the -- my hands up and the gun pointed at me, I
 4 could smell the smoke coming through my house. And I
 5 started asking about my dog.

6 Q. Did you hear the flashbang device?

7 A. Everything was just a boom throughout my
 8 house. From them crashing into the door and the
 9 flashbang. It was just a simultaneous, like, boom. I
 10 had no idea because when I was sitting on the couch
 11 with my hands up, noticed my dog was gone. The officer
 12 who was holding me at gunpoint, and I had asked him,
 13 "Where is my dog? Where is my dog?" And he -- that's
 14 when he told me, "Oh, he jumped out the window." I
 15 said, "How did he get out the window?" You know, we
 16 have screens on our windows and they were closed. And
 17 that's when he said, "Oh, we broke it in."

18 Q. I want to go back to going down the stairs.

19 From the point in time when you got up off
 20 the couch and went downstairs, did any officer grab
 21 your arm, put your -- put their hand on your shoulder?

22 A. Not until I was halfway down the stairs.

23 Q. And then --

24 A. Then I was pushed away from the wall. And
 25 told to get going.

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1 basement that you can see is off to the left; is that
 2 accurate?

3 A. Yes.

4 Q. In front of you is a wall. There's --
 5 there's nothing there. It -- the --

6 A. A wall.

7 Q. The stairs and the wall, correct? Is that
 8 correct?

9 A. Yes.

10 Q. Okay. So the point that you got to before
 11 the officers went around you was to that wall, correct?

12 A. No. They made me walk down into the
 13 basement. There's a little -- here's the wall. You
 14 get down to the stairs. There's, like, a little
 15 walkway entry thing you would call it, cement slab.
 16 And then you turn.

17 And as soon as I turned and got right here,
 18 that's when they came rushing down. And oh, we got two
 19 pot plants. We got a crawl -- a crawl space. We got
 20 another crawl space. And at this point, I'm getting
 21 arrested. Cuffed, and the officer who cuffed me was
 22 really nice. He told me, you know, he let me know, I'm
 23 putting these on, you know, loose. So please don't try
 24 to get out. You've been very cooperative.

25 And then he brought me immediately upstairs.

1 Q. So that -- and -- and is it possible that the
 2 officers wanted to get around you?

3 A. No. There was no possibility because I was
 4 up against that wall. If they wanted around me, they
 5 could have went. I'm not a big girl. I was sucked up
 6 against that wall like this. I was stuck. I was so
 7 scared. I was stuck. And -- and I looked up, and
 8 nobody was going down.

9 Q. At the point in time where you stopped, were
 10 your legs or any part of your body exposed --

11 A. To the --

12 Q. -- because of the opening to the basement?

13 A. Yes.

14 Q. How -- how far -- how far up your body was
 15 exposed?

16 A. I would say probably about from my kneecaps
 17 down.

18 Q. Okay. And did any of the --

19 A. From my kneecaps down.

20 Q. Did any of the officers say, you know, keep
 21 going, we need to get around you?

22 A. No.

23 Q. Do you recall officers saying that?

24 A. No. The only thing the officers said to me
 25 was he shifted his gun over to this side, reached over

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1 and pushed me away from the wall and said, "Keep
2 going."

3 Q. Did he keep your -- his hand on you or did
4 he --

5 A. He did -- oh, I can't touch you, can I? He
6 would keep going.

7 Q. And then he took his hand off of you and you
8 continued down the stairs?

9 A. Yeah, all these guns pointed at me, I wasn't
10 going to argue.

11 Q. Nobody at any point in time had their hand on
12 your shoulder or your arm while you were walking,
13 correct?

14 A. No. Just all guns. You don't argue with
15 guns.

16 Q. And at least at some point, those guns were
17 pointed down and then were brought up when you stopped
18 on the stairs?

19 A. They were pointed -- can I use this as a gun?

20 They were pointed in a relaxed position. You
21 know, not down. Just in a relaxed position. And then
22 as soon as I stopped and put my hands up against the
23 wall, they stepped back and lifted up. It's not a good
24 example because it's shorter.

25 Q. When they were pointed -- when they were in

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1 Q. Okay. So at that point for the rest of the
2 way down the stairs, you were facing forward?

3 A. Yes. After I came up from the wall.

4 Q. Okay.

5 A. I was facing forward.

6 Q. Okay.

7 A. And then they all came rushing down. Once I
8 got down to the bottom, they all came rushing down.

9 Q. Into the basement?

10 A. Yeah.

11 Q. Yeah. Not directing it at you, going into
12 the basement, correct?

13 A. Yeah, they ran down into the basement. I got
14 plants. I got a crawl space. And I got another crawl
15 space. And then an officer came immediately, and he
16 was cuffing me as soon as I was down on the bottom. An
17 officer came immediately, put me in cuffs, and got me
18 out of that situation.

19 Q. Okay. And I want to go back to the
20 conversation that occurred. Do you know which officer
21 you were having a conversation with about going
22 downstairs?

23 A. What do you mean?

24 Q. Do you know who that was?

25 A. Well, you have to rephrase the question.

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1 the relaxed position, were they pointed to the side?

2 A. No. They were pointed at me in the relaxed
3 position.

4 Q. So they were pointed to the front as opposed
5 to the side?

6 A. Yes.

7 Q. What about when you got to the part on the
8 stairs where the -- where it's open to the basement?

9 Were the guns directed --

10 A. I was too afraid to look back.

11 Q. -- at that opening.

12 So you don't know where the guns were aimed
13 at that point?

14 A. After I got to the bottom of the stairs?

15 Q. No, I'm asking about when you're on the
16 stairs.

17 A. When I'm on the stairs? Like I said, when I
18 had my hand up against the wall, I looked back and I
19 saw the guns --

20 Q. Come up?

21 A. -- pointing.

22 Yeah, come up and pointing at me. And then
23 the officer reached over, pushed me away from the wall
24 and said, "Keep going," so I kept going. And I kept
25 looking forward going. Just scared.

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1 What question?

2 Q. When you were sitting up on the couch and
3 there was a discussion about you going downstairs --

4 A. There wasn't a discussion. It was a "Get
5 her; she's going first." There was no discussion about
6 it.

7 Q. Do you know which officer said that?

8 A. I think it was Chretien.

9 Q. Do you know what he looks like?

10 A. Possibly, you know, he was all geared up.

11 Maybe if I saw him in all of his gear.

12 Q. Have you seen him --

13 A. I try to avoid them as much as possible.

14 Q. You have to let me finish -- you have to let
15 me finish my question before you answer.

16 Have you seen that officer since this
17 incident took place that you're aware of?

18 A. It's -- it's hard to tell without the men in
19 their riot gear. They look different. They look
20 bigger and bulkier. He was clean cut.

21 Q. So would you recognize him if -- if you saw
22 him right now?

23 A. Maybe.

24 Q. Do you --

25 A. Do I have to?

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1 Q. Well, I'm just wondering if you --
2 A. I don't want to look at them if I don't have
3 to look at them.
4 Q. Okay. That's fine. I'm wondering if you've
5 seen him since this happened, that you know of?
6 A. I don't know. Like I said, they were all in
7 their riot gear. I can't tell you what they look like
8 outside of work clothes.
9 Q. Have you ever seen someone --
10 A. Who looks like him?
11 Q. -- since then and thought, oh, that's --
12 that's that officer. Has that ever happened to you?
13 A. Yes, and I go in the back room.
14 Q. When did that happen and where was he?
15 A. It happened a while ago. I was working at a
16 gas station. I was working at Sinclair. And then I
17 know there's an officer, and I do know his name, who
18 liked to come into my store occasionally. And I would
19 avoid him. I -- I tried to keep him one day, and I
20 couldn't. So I went into the back room.
21 Q. But that's not my question.
22 My question is: The officer, who you say
23 told you to go downstairs, have you seen him --
24 A. I don't know. You know, without seeing them
25 all in their riot gear again. It's hard to tell.

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1 anybody else in the home? Anybody else here? And I
2 said, "No. No." Is anybody else here? I said, "No,
3 it's just me and my dog." And ...
4 Q. And were you being truthful when you said
5 that?
6 A. Yeah, it was just me and my Chihuahua.
7 Q. And that was -- that was what you believed to
8 be the truth?
9 A. That was the truth, yes.
10 Q. Okay. Okay. Go ahead. So tell me the
11 conversations that you recall.
12 A. And then as I was sitting on the couch with
13 my hands up, I had asked where my dog was because I
14 didn't see him. And the officer holding the gun on me
15 had told me he jumped out the window. I said, "My
16 window? How did he get out my window?" Oh, we broke
17 it. Why did you break my window? And then he didn't
18 respond after that.
19 Q. Okay. And -- and continue. Continue telling
20 me the conversation.
21 A. That was the conversation with him.
22 Q. Okay. And --
23 A. And then I was sitting on the couch and then
24 I was told to, you know, get her, she's -- you know,
25 get to the basement door. Oh, it's unlocked. Get her,

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1 Q. Okay.
2 A. It's over a year. People change. And unless
3 I get to see them in all of their riot gear and ready
4 to go. You know, I can describe him to you.
5 Q. But you don't -- do you -- can you tell me of
6 any time when you've seen him in the -- since this
7 happened?
8 A. Honestly, I cannot tell you that because I do
9 not know. So I can't answer that with a yes or a no.
10 Q. And that's fine.
11 Tell me about -- as close to the exact
12 wording as you can get, I want to know the conversation
13 that took place, the words that were said about you
14 going downstairs as you recall them.
15 A. Get her. She's going first. And I said,
16 "Me?" And he said, "Yes, you. Get her."
17 Q. I believe at some point in time you told me
18 that you were asked over and over again about if there
19 was anybody downstairs?
20 A. Yes. And that was when they first busted
21 into the house before they made it to the basement.
22 Q. Okay. I want to start from the very
23 beginning. You tell me any -- anything that any of the
24 officers said to you, every -- every word --
25 A. Police search warrant, police search warrant,

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1 she's going first. And I said, "Me?" And he said,
2 "Yes, you. Get her. She's going first." And I sit up
3 with my hands up. An officer went like that for me to
4 get in front of him. I got in front of him. And he
5 had his gun up the entire time. And I got in front of
6 him. And he walked behind me until I got to the --
7 sorry -- until I got to the basement door.
8 And then once I got to the basement door, I
9 was told to get going. And I started going down the
10 stairs. And that's when I got scared halfway down, all
11 these thoughts just went through my mind, like, so many
12 and so at once.
13 And I had my hands still up against the wall
14 as far as I could go up against the wall. And when I
15 did that, when I first stopped and put my hands up
16 against the wall, the officers jumped back. I just
17 started getting other thoughts going into my mind, you
18 know, like who could be down there if they're jumping
19 back, you know.
20 Q. Was it a -- was it a possibility that they
21 were concerned that you were stopping, that that
22 indicated to them that there might be something of
23 concern down in the basement?
24 A. I don't know how they felt or what was going
25 through their mind.

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1 Q. Would that -- would that be a reasonable fear
 2 for them?
 3 A. Honestly, I don't want to answer that.
 4 MR. GOSMAN: Object to the form.
 5 THE WITNESS: Because I don't know.
 6 BY MS. WESTBY:
 7 Q. Okay.
 8 A. I don't know how they feel. I don't know how
 9 certain people handle fear in situations.
 10 Q. And you can sit down.
 11 A. And I don't want to answer questions for
 12 them.
 13 Q. Okay.
 14 A. Because I don't know. Everybody has their
 15 own feelings. Everybody handles things in different
 16 situations.
 17 Q. Is that -- have we discussed all of the
 18 conversations with officers that you can recall?
 19 A. I had a -- a conversation with Officer Brown
 20 when I was taken in.
 21 Q. And I should have been --
 22 A. I don't know if he's an officer.
 23 Q. I should have been more specific. While the
 24 police were in your house, any other conversations that
 25 you can recall?

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1 A. Honestly, in all their gear, they looked
 2 pretty similar.
 3 Q. No. Was the officer --
 4 A. Oh, when he did that? He was outside when he
 5 did that.
 6 Q. -- who was supposedly making that --
 7 THE COURT REPORTER: One at a time, please.
 8 MS. WESTBY: Sorry.
 9 THE COURT REPORTER: Honestly, in all their
 10 gear they looked similar is the last one I have.
 11 BY MS. WESTBY:
 12 Q. Okay. Was the officer who was supposedly
 13 making that -- that -- doing that?
 14 A. Gesture? That was outside.
 15 Q. -- sign -- and then -- you have -- you have
 16 to wait until I get all the way through my question
 17 before you answer.
 18 Was that officer making that sign inside or
 19 outside of the house?
 20 A. Outside.
 21 Q. In front of --
 22 A. In front of the front door.
 23 Q. -- in front of the front of your house?
 24 A. Yes.
 25 Q. Okay. Did you see a flashbulb go off?

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1 A. Um, when they were bringing me out of the
 2 house in cuffs, a car had pulled up across the street,
 3 a red car, maroon-ish colored car. And the guy kept
 4 asking me, "Who is that?" said, "I don't know."
 5 He's like, "Who is that?" I said, "I don't know."
 6 He's like, "We need to know. Who is that?" I said, "I
 7 don't know who it is." And all of the sudden, "Oh,
 8 nevermind. I do." And then they put me in the car.
 9 Q. Okay. Let's talk about this picture that you
 10 testified to before. You're sitting in the car --
 11 A. Watching.
 12 Q. What are you watching?
 13 A. Well, I looked inside my house because the
 14 door was busted open, so I could see straight in. And
 15 there was a couple of officers in my living room
 16 laughing and smiling. You know, I have no idea what
 17 they're talking about.
 18 And then an officer started taking pictures
 19 of the house. And another officer jumped in on the
 20 first picture taken, jumps up and goes (indicating.)
 21 Sorry. Like this. And then falls back.
 22 Q. Was the officer --
 23 A. Like a rock and roll sign.
 24 Q. -- who supposedly did that, was he inside the
 25 house or outside the house?

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1 A. Everything happened quick. When -- when they
 2 busted in the door, I was scared. I didn't know who it
 3 was. Everything happened so quick. All I know is
 4 there was smoke in my house as I was going to the
 5 basement. I was getting led to the basement.
 6 Q. And please again, listen to my question. My
 7 question is very specific.
 8 You're telling me about a picture that's
 9 being taken while you're sitting in the car?
 10 A. Yes.
 11 Q. I'm asking you, if when that event occurs, a
 12 flashbulb -- you see a flashbulb?
 13 A. Oh, from the camera?
 14 Q. Yes.
 15 A. Yes.
 16 Q. You did see one?
 17 A. Yes.
 18 Q. Have you seen the pictures that were taken of
 19 your house in this search?
 20 A. Yes.
 21 Q. Did you see a picture that represents what
 22 you saw?
 23 A. No. But there's also other things pertaining
 24 to that.
 25 MR. GOSMAN: We'll talk about that in -- in

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1 due time.
2 BY MS. WESTBY:
3 Q. No, go ahead and tell me.
4 A. No.
5 Q. What other things are you?
6 A. My --
7 Q. And I'm asking you, what other things --
8 A. And I'm advising my lawyer right now.
9 MR. GOSMAN: What she knows is based on
10 conversations she's had with me beyond what she's
11 testified.
12 BY MS. WESTBY:
13 Q. Is this something that you plan on testifying
14 about in this case?
15 MR. GOSMAN: You can answer that.
16 THE WITNESS: That was to me?
17 MR. GOSMAN: Yes.
18 THE WITNESS: Okay.
19 MR. GOSMAN: The question was to you. Do you
20 plan on testifying about the officers in the pictures,
21 I assume.
22 BY MS. WESTBY:
23 Q. What -- what -- whatever it is that this
24 discussion is about.
25 A. Yes.

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1 officers, I have the right to learn that --
2 A. And that's something you can learn from my
3 attorney.
4 Q. Yeah. I can't.
5 MR. GOSMAN: All right. Let's move on.
6 We're not going to argue about attorney-client
7 privilege here.
8 BY MS. WESTBY:
9 Q. Then I -- then by your silence in this
10 regard, I am assuming that there's no other information
11 that you have that you will be testifying about or
12 claiming in this case?
13 MR. GOSMAN: Go ahead and answer the
14 question. That's fine.
15 THE WITNESS: I don't know. I don't
16 understand the question. And I don't want to not be
17 able to ...
18 MR. GOSMAN: Okay.
19 BY MS. WESTBY:
20 Q. Is there something that you've learned from
21 your attorney that you're planning on claiming against
22 these officers, testifying about against these officers
23 at trial?
24 MR. GOSMAN: You know what? This has gone on
25 just far enough. Now, you understand attorney-client

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1 Q. Okay. Then you need to tell me. This is my
2 opportunity to find out --
3 MR. GOSMAN: No, she doesn't need to tell you
4 anything that she learned from me in communications
5 with her attorney.
6 MS. WESTBY: If she's going to be testifying
7 about it in this trial.
8 MR. GOSMAN: Well, she is not. She's --
9 she's testified, Counsel. Come on.
10 MS. WESTBY: So this is the -- this is the
11 total -- sum total of her information and what she's
12 going to be testifying about in that regard?
13 MR. GOSMAN: Why don't you ask her that.
14 BY MS. WESTBY:
15 Q. Is this the sum total of your testimony, what
16 you're going to be claiming about what -- what -- what
17 happened when the officers were taking pictures or
18 whatever --
19 MR. GOSMAN: Answer that to the best of your
20 knowledge.
21 THE WITNESS: Yes
22 BY MS. WESTBY:
23 Q. Because if there's something that you've
24 learned about from your attorney, but that you were
25 going to be testifying about or claiming against these

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1 privilege, I assume.
2 MS. WESTBY: And I'm not asking --
3 MR. GOSMAN: Yes, you are.
4 MS. WESTBY: -- about attorney-client
5 privilege. My question was very specific.
6 MR. GOSMAN: Yes, it was indeed. You want to
7 know what -- what I spoke to my client about in terms
8 of -- of evidence in this case.
9 MS. WESTBY: It's a yes or no answer.
10 MR. GOSMAN: No, it wasn't a yes or no
11 answer.
12 MS. WESTBY: It's a yes or no answer.
13 MR. GOSMAN: You wanted to know what she --
14 what she was told.
15 THE WITNESS: That's something I cannot
16 answer without a yes or no. So I would decline to
17 answer that until further --
18 MS. WESTBY: We can have the -- the question
19 read back.
20 THE WITNESS: -- counsel with my attorney.
21 MR. GOSMAN: We can just end this discussion.
22 I'm instructing my client not to respond to any
23 questions that invade attorney-client privilege.
24 MS. WESTBY: Would you please read the
25 question back. It is a yes or no answer.

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<p>1 THE WITNESS: Okay. How's this? I cannot 2 answer that without a yes or no, so I would like to 3 talk to my attorney before I can address that matter any 4 further.</p> <p>5 MR. GOSMAN: I don't have a problem with 6 that. Let's read the question, though. I -- I want to 7 hear what it said.</p> <p>8 (The record was read as 9 requested.)</p> <p>10 MR. GOSMAN: Go ahead and answer that 11 question yes.</p> <p>12 THE WITNESS: Yes.</p> <p>13 MS. WESTBY: Then we have the right to 14 discover that.</p> <p>15 MR. GOSMAN: Okay. Well, get after it.</p> <p>16 BY MS. WESTBY:</p> <p>17 Q. What is that? What is it? What is it that 18 you plan to claim against these officers that you've 19 learned from your attorney?"</p> <p>20 MR. GOSMAN: She's -- listen, if she's 21 learned it from her attorney, she doesn't have to 22 testify about it. If she's learned it from someone 23 else, then she does. Now, you know that.</p> <p>24 MS. WESTBY: If something that you're going 25 to use --</p>		<p>1 learn this information, then you're not allowed to 2 bring it up at trial.</p> <p>3 MR. GOSMAN: Yeah. Well ...</p> <p>4 MR. THOMPSON: It has nothing to do with the 5 attorney-client privilege.</p> <p>6 MR. GOSMAN: It has everything to do with it. 7 It has to do with my conversations with my client about 8 the evidence of the case.</p> <p>9 MR. THOMPSON: But if -- but if there's -- 10 Counsel, if there's evidence that is going to be used 11 at trial that has not been disclosed, we have a right 12 in a discovery deposition to determine what that 13 evidence is. And that's the simple question. It has 14 nothing to do with what did Mr. Gosman tell you. It's 15 what is the evidence that you're going to use against 16 these police officers at trial?</p> <p>17 MS. WESTBY: That's the underlying 18 information.</p> <p>19 MR. THOMPSON: That's the question. It has 20 nothing to do with the conversation that she had with 21 you. It's what is the evidence?</p> <p>22 MR. GOSMAN: It's too fine a point for me. 23 To me, it's just -- it's just straightforward 24 attorney-client privilege. And I'm instructing my 25 client to not answer.</p>	
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<p>1 MR. GOSMAN: I'm instructing her not to 2 answer any further questions on this subject, because 3 she's already made clear that what she knows, she knows 4 from her attorney.</p> <p>5 MS. WESTBY: Then we will argue that you did 6 not allow us to discover it and you --</p> <p>7 MR. GOSMAN: Just go right ahead and do that.</p> <p>8 MS. WESTBY: -- won't be able to testify 9 about it at trial. And that's your --</p> <p>10 MR. THOMPSON: And -- yeah -- and -- and I 11 would, for the record, Counsel, I believe if there's 12 evidence out there, whatever source it comes from. If 13 she's going to use it at trial, that's not invading the 14 attorney-client privilege. There's a right at a 15 discovery deposition to find out what that is. And we 16 can -- you know, we can address it with the magistrate 17 and leave the deposition open.</p> <p>18 MS. WESTBY: Or, you know what? I guess my 19 take on it is that -- that we'll just keep you from 20 testifying about it at trial.</p> <p>21 MR. GOSMAN: Well, go -- you can do whatever 22 you want to do.</p> <p>23 MS. WESTBY: If you're not -- if you're not 24 allowing us to learn that information through the 25 discovery process, which is where we're supposed to</p>		<p>1 MR. THOMPSON: Okay.</p> <p>2 MR. GOSMAN: There may be other ways for you 3 to discover this information. And I'll leave it at 4 that.</p> <p>5 MS. WESTBY: Well, this is -- this is a 6 direct request for it. So we'll have this on the 7 record. And -- and we'll do what we need to do at 8 trial.</p> <p>9 MR. GOSMAN: That's fine.</p> <p>10 MS. WESTBY: Or you can provide the 11 information, if that's the way that you feel is 12 appropriate. But either it has to be provided or it 13 can't be used.</p> <p>14 MR. GOSMAN: You want to send me an 15 interrogatory?</p> <p>16 MR. THOMPSON: Well, it's not an 17 interrogatory. It's to the extent that this question 18 has been directed by you not to be answered. One, I 19 think the option is to strike it at trial. Two, to 20 leave the deposition open.</p> <p>21 MR. GOSMAN: Well, I'm not opposed to your 22 leaving the deposition open if you want to get 23 clarification on the issue. I am not going to have my 24 client talk -- talking about our conversations.</p> <p>25 MR. THOMPSON: It's not your conversation --</p>	

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1 MR. GOSMAN: Privacy of my attorney-client
2 privilege.

3 MR. THOMPSON: It's not your conversation.

4 MR. GOSMAN: It is my conversation.

5 MR. THOMPSON: No.

6 MR. GOSMAN: I didn't say anyone else's name.
7 She hasn't mentioned anyone else's name. There's no
8 other information here that -- that has a source
9 attached to it. Other than -- than my conversations
10 with her about the case.

11 MR. THOMPSON: The question isn't what
12 Mr. Gosman said. It's what is the evidence that you're
13 going to use against our clients at trial. Simple
14 question.

15 MR. GOSMAN: She doesn't know it. She
16 doesn't know the answer except through me.

17 MR. THOMPSON: Okay.

18 THE WITNESS: That's why I looked at him.

19 MR. THOMPSON: Let's -- let's just move on.
20 We'll address it with Magistrate Beaman.

21 MS. WESTBY: Yeah.

22 BY MS. WESTBY:

23 Q. So you're in the -- the vehicle. You see
24 this picture being taken. Does anything else happen
25 while you're still at the -- the house, while you're

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1 anxiety attacks. After this happened, I tried to go
2 into my house, and I couldn't. And I went back to Tom
3 and Donna's, and I thought I was going to die. And I
4 was getting ready to have my husband bring me into the
5 emergency room because I thought I was going to die.

6 Q. And I'm talking about at the house during
7 this incident, what happened? What were you concerned
8 about? What were you afraid of?

9 A. My husband. When I was in the squad car or
10 during the whole thing?

11 Q. Well, let's start with while you were in the
12 house.

13 A. While I was in the house. I was concerned
14 with being shot and killed.

15 Q. Were you concerned --

16 A. Nobody could hear me scream if I was in the
17 basement. There's no windows and only one exit.

18 Q. Were you concerned about getting caught doing
19 something illegal?

20 A. No.

21 Q. That wasn't -- that wasn't a concern for you?

22 A. Well, I mean, obviously I know it was
23 illegal. You know, and it was a misdemeanor. And I
24 know that. You know. But honestly, with all those
25 guns pointed at me and everything that was happening, I

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1 out in the squad car?

2 A. I saw a guy with a flashlight down the street
3 looking probably for my dog because he was aiming it
4 low, but that's about it.

5 Q. Did you find the dog?

6 A. My brother-in-law took off work and found my
7 dog.

8 Q. Okay. You're not claiming that anybody
9 physically touched you and hurt you in this --

10 A. I was physically touched when I was pushed
11 towards the stairs.

12 Q. Okay. I will rephrase that.

13 You're not claiming that you were physically
14 injured in this --

15 A. Physically, no.

16 Q. Okay. Other than the fears that you have
17 talked about when you were going downstairs, any other
18 injury or damage that you claim occurred as a result of
19 this incident?

20 A. Mental.

21 THE COURT REPORTER: I'm sorry?

22 THE WITNESS: Mental anguish.

23 BY MS. WESTBY:

24 Q. And how -- why did you suffer mental anguish?
25 A. 'Cause I suffer panic attacks and mild

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1 was concerned for my life. I could not think of
2 anything else but my life.

3 Q. So it never -- is it your --

4 A. After the fact it came to me, but beforehand,
5 no. All I could think about was my life. And -- and
6 am I going to die tonight?

7 Q. Is it your testimony that when the -- when
8 the police came into the house, that you were not
9 upset -- not -- not concerned that you were getting
10 caught doing something illegal?

11 A. It's not that I wasn't upset. I mean, you
12 know, I got caught. I took my responsibility. I took
13 the responsibility for what I got caught with. I did
14 my time. I'm not saying what I did was right. It
15 wasn't right. It is illegal in this state. And I know
16 that. And I did my time for it.

17 Q. So you -- in addition to that, you were
18 concerned because the officers had weapons, correct?

19 A. Yes.

20 Q. Okay.

21 A. I was concerned for my life.

22 Q. Okay.

23 A. My safety. I mean, my house was on fire. I
24 had guns pointed at me. I didn't know who was waiting
25 for me downstairs. There's no windows downstairs.

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1 Nobody could hear me scream if they did -- if the
2 furnace popped off and one of the cops shot, and there
3 I am falling down the stairs dead because I have a
4 bullet in the back of my head because they weren't
5 paying attention, and they got scared. So they took it
6 out on me because I'm the only one in front of all
7 these officers.

8 Q. So did you get shot?

9 A. Thank God, no.

10 MR. GOSMAN: That question is argumentative
11 and foolish.

12 BY MS. WESTBY:

13 Q. Did you -- were you injured in any physical
14 way?

15 MR. GOSMAN: You've already asked her that
16 question a couple of times.

17 BY MS. WESTBY:

18 Q. Were you injured in any physical way?

19 A. No.

20 Q. Let's talk about what the officers found when
21 they were -- and -- and I guess the reason that I'm
22 cutting it off at going out to the car is it's my
23 understanding that your claims stem from the time that
24 the officers are in the house, what happens as a result
25 of the execution of the search warrant.

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1 started thinking about what they were going to do when
2 my husband came home. How they were going to treat
3 him, if they were going to beat the crap out of him,
4 let alone shoot him. I started worrying for my
5 husband.

6 And then he did it again. He's like, "You
7 have to tell me where your husband is and what his
8 phone number is. You have to tell me."

9 And as all these thoughts are going through
10 my mind on what they were going to do to my husband,
11 that's when I told him. He's at his father's house.
12 His phone number is 302-1321. But I thought -- he told
13 me I had no choice. I had to tell him where my husband
14 was. So I did in fear for my husband's life.

15 Q. Was it a concern to you that Bret was at his
16 father's house, that he was going to -- that the
17 police --

18 A. I would rather them arrest him at his
19 father's house than have him go home and end up in the
20 hospital.

21 Q. Was Bret injured as a result of being
22 arrested for -- in this incident?

23 A. Because he was at his parents's house, I feel
24 that because he was at his parents's house, no, he was
25 not.

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1 Is there anything else, after you're taken
2 out of the house, that forms basis of your claim
3 against these officers?

4 A. After I was taken out of the house?

5 Q. Yes.

6 A. I was placed into the cop car. And the cop
7 who drove me there was very nice. And until you're
8 ready to get into what happened with Brown, that's it.

9 Q. Okay. What happened with Brown?

10 A. Going to Brown, he reads me my rights.

11 Q. And this is at the station?

12 A. At the station. He reads me my rights. And
13 he asked me if I understood them. I said, "Yes. I'm
14 choosing to remain silent, and I want to talk to my
15 attorney and my husband."

16 And then he got mad. And he started to ask
17 me questions on where my husband was. And I just sat
18 there silent. I was using my right to remain silent.
19 And then he kept asking me again, it's like I want to
20 talk to my attorney and my husband before I answer any
21 questions. I want to talk to my attorney and my
22 husband.

23 And then he stands up, and he does,
24 (indicating) "You have to tell me where your husband
25 is." And after he did that, I got very scared and

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1 Q. Okay. So the answer -- answer is: No, he
2 was not injured, correct?

3 A. Correct.

4 Q. And the conversation with Officer Brown does
5 not form the basis of the claim in this case as your
6 complaint is written. Do you -- is this something that
7 you plan to amend to make a claim about?

8 MR. GOSMAN: You know, you don't need to --
9 first of all, you've -- you've started with an
10 assumption that the complaint says something. And she
11 hasn't even had a chance to --

12 MS. WESTBY: Is this an objection as to form?
13 MR. GOSMAN: Yes, it is.

14 BY MS. WESTBY:

15 Q. And go ahead -- go ahead and answer.

16 MR. GOSMAN: There's no way she can answer
17 that question.

18 MS. WESTBY: Again, is this an objection as
19 to form? Mr. Gosman, I would appreciate it if you
20 would limit yourself to the objections that you are
21 entitled to make.

22 MR. GOSMAN: Very well.

23 BY MS. WESTBY:

24 Q. And you can go ahead and answer the question.
25 MR. GOSMAN: Go ahead.

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- 1 THE WITNESS: What was the question?
 2 BY MS. WESTBY:
 3 Q. That there is not a specific claim in this
 4 case about Officer Brown trying to get you to tell him
 5 where your husband is?
 6 A. I don't know. A lot of my stuff has been
 7 through my attorney.
 8 Q. Okay. Let's talk about what the officers
 9 found when they were at your house. And I'm just going
 10 straight out of the -- the search warrant and the
 11 documents that go along with the search warrant.
 12 There was a semiautomatic pistol in the
 13 hallway, correct?
 14 A. Huh? It was a .22.
 15 MR. GOSMAN: Well, now, wait a minute. There
 16 was a .22 caliber pistol in the hallway. I want you to
 17 think about these questions
 18 THE WITNESS: It wasn't in the hallway. It
 19 was in the living room on the bookshelf. We didn't
 20 really have a hallway.
 21 BY MS. WESTBY:
 22 Q. Okay.
 23 A. It's a small house.
 24 Q. All right. I'm going to have you draw a
 25 quick diagram of the top floor of the house.

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- 1 A. There was only one on the bookshelf.
 2 Q. And again, this is why it's so important for
 3 you to let me finish the -- the question before you
 4 answer.
 5 Were there two loaded revolvers in the
 6 bedroom? One lying on the bed, the other one on the --
 7 A. None of them laying on the bed, that I know
 8 of. Like I said, those questions you have to ask Bret.
 9 The only gun -- because I wasn't in the bedroom. You
 10 know, the only gun I knew of that he had put there
 11 before he left was for my safety in case the CI had
 12 decided to try something, noticing Bret was gone.
 13 Q. There -- you were aware of other guns in the
 14 bedroom, you just don't know if they were loaded; is
 15 that fair?
 16 A. Yeah.
 17 Q. Okay. There was also an unloaded 9mm
 18 semiautomatic pistol in the nightstand; is that
 19 accurate?
 20 A. Oh, okay. Yeah, could be.
 21 Q. Okay. Again, things that we may want to ask
 22 Bret about?
 23 A. Yeah.
 24 Q. Okay. There were two marijuana plants in the
 25 basement, correct?

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- 1 A. (Witness complies.)
 2 It's not going to be perfect. I'm trying.
 3 I'm not a good artist.
 4 Q. That's fine.
 5 Okay. Where are the bookshelves that you
 6 were --
 7 A. The bookshelf. Here's our TV stand. Here is
 8 our bookshelf. And this is our living room. And this
 9 is our kitchen. And there's, like, a little design
 10 wood thing there. And then here's our bedroom and our
 11 bathroom. And there is just a lit teeny space right
 12 here, which is right before you went into the bedroom
 13 door. So like I said, we had no hallway.
 14 Q. Okay.
 15 A. It was pretty much a flat lay.
 16 MS. WESTBY: And I guess we'll go ahead and
 17 mark this as Exhibit 1.
 18 THE WITNESS: If you want, I can redraw it a
 19 little better.
 20 (Exhibit 1 marked)
 21 BY MS. WESTBY:
 22 Q. So the -- the gun, as you remember it, was
 23 sitting on -- was sitting on the bookshelf?
 24 A. In the bookshelf, yeah, on top of some books.
 25 Q. Okay. There were two loaded --

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- 1 A. Correct.
 2 Q. Okay. The area where these were located was
 3 painted white; I think we discussed that, correct?
 4 A. Yes.
 5 Q. Okay. There were light -- there was light on
 6 the plants, fans, and timers in the room, correct?
 7 A. Uh-huh.
 8 Q. Is that a "yes"?
 9 A. Sorry. Yes.
 10 Q. Okay. There was loose marijuana on the
 11 coffee table in the living room, correct?
 12 A. Yeah.
 13 Q. Okay. Why do you laugh about that?
 14 A. Huh?
 15 Q. Why do you laugh about that?
 16 A. Because I found it under the couch that day.
 17 So it was just kind of funny that it ended up there
 18 because I was -- yeah. I found it under the couch and
 19 just kind of threw it up there.
 20 Q. Okay. There were pill bottles containing
 21 pills and marijuana residue in the house, correct?
 22 A. I know about the pills.
 23 Q. Do you know if there were pill bottles with
 24 marijuana residue in them?
 25 A. No.

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1 Q. Did you keep marijuana in pill bottles?
 2 A. No.
 3 Q. Never?
 4 A. No. I had a little orange container.
 5 Q. A little orange container?
 6 A. Yeah.
 7 Q. Did it look like a pill bottle?
 8 A. I guess you could consider it. I mean, it
 9 was a matchbook holder.
 10 Q. Okay.
 11 A. So it would -- you know, it's the shape of a
 12 pill bottle. But it's just orar ge.
 13 Q. Okay. And is that what you kept your
 14 marijuana in?
 15 A. Yep.
 16 Q. The loose marijuana?
 17 A. Yeah.
 18 Q. They found a teddy bear with the back seam
 19 ripped open, correct?
 20 A. Yeah.
 21 Q. And they found shipping boxes with stuffed
 22 animals with the seams ripped open, correct?
 23 A. Correct.
 24 Q. They found cocaine?
 25 A. No.

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1 A. Actually, he did just set up a MySpace page.
 2 Q. MySpace or Facebook?
 3 A. Face -- we both have Facebook.
 4 Q. Okay. And are you aware of any picture like
 5 that that was placed on Bret's Facebook or -- or
 6 MySpace page?
 7 A. Not that I know of. I don't go through his
 8 stuff. I'm a respectful wife.
 9 Q. So it's your testimony that you've never seen
 10 anything like that?
 11 A. No, I don't go through his Facebook.
 12 Q. Okay. What about his brother's page?
 13 A. I don't go through his either.
 14 Q. But are you there -- are you friends on
 15 Facebook?
 16 A. Yeah. Yeah, I go on occasionally. But not
 17 very often. When I do it's to play games. Not to look
 18 at people.
 19 Q. So you've never looked at pictures on
 20 anybody -- on any of your friends on Facebook?
 21 A. The only pictures I've ever looked at on
 22 Facebook was my niece.
 23 Q. Okay.
 24 A. Everything else I just kind of skip over.
 25 Oh, and a friend's wedding. I did look at their

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1 Q. It's your understanding that they didn't find
 2 cocaine?
 3 A. No, there was no cocaine in my house.
 4 Q. And you're sure of that?
 5 A. I am absolutely positive.
 6 Q. Okay. They also seized your computer hard
 7 drive?
 8 A. Yeah.
 9 Q. And that was eventua ly sent for forensic
 10 evaluation for child pornography -- pornography,
 11 correct?
 12 A. Correct.
 13 Q. Have you seen a picture of Bret or Bret and
 14 his brother in gear -- in riot gear holding assault
 15 weapons?
 16 A. Have I seen the picture?
 17 Q. Uh-huh.
 18 A. No. I haven't really seen many pictures of
 19 him when he was younger.
 20 Q. And I'm not talking about when he was
 21 younger. I'm talking about fairly recently?
 22 A. I haven't seen the pictures.
 23 Q. Do you have a MySpace page?
 24 A. I don't, no.
 25 Q. Does Bret?

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1 wedding photos.
 2 Q. Have you ever seen Bret put on any of Tom's
 3 DCI gear?
 4 A. No.
 5 Q. Never?
 6 A. Not his DCI gear, no.
 7 Q. What about something that looks like riot
 8 gear?
 9 A. No, he's got a bulletproof vest. I've never
 10 seen him wear it, but he does have a bulletproof vest.
 11 Q. Bret does?
 12 A. Yeah.
 13 Q. Why does he have that?
 14 A. Why are you asking me questions? I have no
 15 idea. I don't -- my husband's life is his life. You
 16 would have to ask him these questions. I'm not a nosy
 17 wife. He loves me, that's good for me.
 18 Q. How do you know that he has that?
 19 A. Has that? 'Cause it's hanging up in the
 20 closet.
 21 Q. The first time that you saw it, did you say
 22 to him, "Hey, why do you have a bulletproof vest?"
 23 A. No, he hunts, you know. He does all sorts of
 24 things. I -- it's not a question I really ever thought
 25 to ask.

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<p>1 Q. Do you know if it's -</p> <p>2 A. I'm not nosy.</p> <p>3 Q. Do you know if it's his or if it's Tom's?</p> <p>4 A. No, I don't know.</p> <p>5 Q. Do you know if Tom ever gave him a</p> <p>6 bulletproof vest?</p> <p>7 A. I don't know.</p> <p>8 Q. Okay. When you both were arrested, Bret</p> <p>9 listed the medications that he was prescribed. And two</p> <p>10 of those were Hydrocodone and Oxy -- Oxycontin.</p> <p>11 A. The Razapan.</p> <p>12 Q. And I'm just asking you about Hydrocodone and</p> <p>13 Oxycontin. Do you -- and this is my question: Do you</p> <p>14 know why he was taking those prescriptions?</p> <p>15 A. Because he has chronic back pain.</p> <p>16 Q. Okay. What is the back pain from?</p> <p>17 A. We are figuring that out. The one physical</p> <p>18 therapist that he had seen is saying that half of his</p> <p>19 spine, his lower spine does not move. So when he moves</p> <p>20 and bends, it does not move with him. And in 2008, he</p> <p>21 had a bulged disk in his back.</p> <p>22 Q. How long has he been prescribed those</p> <p>23 medications?</p> <p>24 A. You'd have to ask him.</p> <p>25 Q. But I'm asking you.</p>		<p>1 A. That's the therapist.</p> <p>2 Q. All of the symptoms?</p> <p>3 A. Yeah. You know.</p> <p>4 Q. Okay.</p> <p>5 A. Just pretty much fear. You know, it's what</p> <p>6 my doctors brought it down to is it's fear.</p> <p>7 Q. And you're going to have to speak up a little</p> <p>8 bit.</p> <p>9 A. It's fear.</p> <p>10 Q. Okay. So this --</p> <p>11 A. I have several triggers to it. Lots of</p> <p>12 triggers to the anxiety and panic attacks. I've had to</p> <p>13 miss work due to them. I've had to go to the ER due to</p> <p>14 them. I'm up all hours of the night because I have a</p> <p>15 bad dream and I can't get back to sleep. And the</p> <p>16 nightmares are not just nightmares. They are vivid</p> <p>17 nightmares. It's like I'm there reliving it.</p> <p>18 Q. Any other symptoms, other than nightmares,</p> <p>19 panic attacks, anxiety attacks? That's -- that's --</p> <p>20 that's a complete list?</p> <p>21 A. (Witness nods head.)</p> <p>22 Q. Yes?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. And I think that -- well, I want to --</p> <p>25 if you can tell me, who prescribed -- you were on</p>	
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<p>1 A. And I'm telling you, you have to ask him.</p> <p>2 He's -- I'm Tricia. He is Bret.</p> <p>3 Q. And my question to you is: As his wife, do</p> <p>4 you know how long he's been taking those medications?</p> <p>5 MR. GOSMAN: And I want you to go ahead</p> <p>6 and -- and try to cooperate with counsel. Those are</p> <p>7 fair questions, Tricia.</p> <p>8 THE WITNESS: They are, but I don't know.</p> <p>9 MR. GOSMAN: Well, then say I don't know.</p> <p>10 THE WITNESS: I don't know. I'm not a nosy,</p> <p>11 snoopy wife. If he wants to tell me something, he</p> <p>12 tells me.</p> <p>13 BY MS. WESTBY:</p> <p>14 Q. We've talked about the -- what your fears</p> <p>15 were while this was happening. My question to you now</p> <p>16 is: I want to know what damages you're claiming as a</p> <p>17 result of this incident. And -- and specifically what</p> <p>18 I'm looking for is what symptoms are you suffering from</p> <p>19 that you claim were caused by this incident?</p> <p>20 A. I have to say it out loud, huh? I have</p> <p>21 nightmares, severe nightmares. I suffer from panic</p> <p>22 attacks, anxiety attacks. And that's panic, anxiety,</p> <p>23 and nightmares, bad nightmares. That's why I'm trying</p> <p>24 to get them all under control and make them go away.</p> <p>25 Q. Okay. Is that -- that the --</p>		<p>1 Lexapro prior to this incident, correct? Or -- no,</p> <p>2 Zoloft?</p> <p>3 A. Right. Zoloft, yeah.</p> <p>4 Q. Who prescribed Zoloft to you?</p> <p>5 A. I can give you two doctor's names because I'm</p> <p>6 not sure which one prescribed me the Zoloft. I think</p> <p>7 it was Dr. Wurzel who prescribed the Zoloft or it could</p> <p>8 have been Dr. Reisner. Too many doctors.</p> <p>9 THE VIDEOGRAPHER: Five minutes and I'll need</p> <p>10 to switch tapes.</p> <p>11 MS. WESTBY: Okay. Just let me ask one more</p> <p>12 thing before we ...</p> <p>13 BY MS. WESTBY:</p> <p>14 Q. Tricia, do you know what medical records</p> <p>15 these are?</p> <p>16 A. Doctor's writing sucks. This is pertaining</p> <p>17 to my Zoloft because it was causing me the --</p> <p>18 Q. Right, but --</p> <p>19 A. It was causing me the --</p> <p>20 Q. Right. Which doctor --</p> <p>21 A. -- insomnia.</p> <p>22 Q. Which doctor is this, do you know?</p> <p>23 A. Wurzel.</p> <p>24 Q. It is Dr. Wurzel. And then do you -- is that</p> <p>25 his -- the initials, MSW or something?</p>	

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1 A. I really don't know what his full name is. I
 2 just know he's Dr. Wurzel.
 3 Q. Okay. And what about the name on these
 4 records. Do you recognize that or know which doctor
 5 that is?
 6 A. I think that's the nurse, but I'm not sure.
 7 Q. Okay. You can't read the -- the signature
 8 should be over here?
 9 A. I can't.
 10 Q. Okay.
 11 A. Yeah. I was trying to read that thinking
 12 maybe I could figure it out from that.
 13 Q. Okay.
 14 A. I'm thinking it's one of the nurses, but I'm
 15 not sure.
 16 Q. One of the nurses with?
 17 A. Dr. Spomer.
 18 THE COURT REPORTER: Doctor who?
 19 THE WITNESS: Spomer, I think.
 20 BY MS. WESTBY:
 21 Q. Okay.
 22 MS. WESTBY: Okay. Let's take a short break
 23 to switch out the tape.
 24 THE VIDEOGRAPHER: Go off -- go off the
 25 record. The time is 12:28.

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1 A. Sick. Sick days. And then PTO days.
 2 Q. I'm sorry?
 3 A. Sick days and paid time off days.
 4 Q. Okay. What were you sick with, if you can
 5 remember?
 6 A. Cold, flu.
 7 Q. Shortly before this incident happened, did
 8 you have a concern that you were going to get fired
 9 from the hospital for missing time?
 10 A. Beforehand, no. I figured if anything, they
 11 would dock my hours. I was a very good employee. I
 12 did my job very well.
 13 Q. So did you ever tell -- did you ever request
 14 one of your physicians to write a letter to work
 15 explaining your absences in the hope that you wouldn't
 16 get fired prior to this incident?
 17 A. No. She offered. But I don't think I had
 18 her write one.
 19 Q. So it's your testimony that you didn't
 20 request your physician to write you a note --
 21 A. I've had doctor's notes to get me out of
 22 work.
 23 Q. And let me finish my -- finish my question
 24 before you answer.
 25 Is it your testimony that shortly before --

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1 (Recess taken 12:28 to 12:31
 2 p.m., October 4, 2010)
 3 THE VIDEOGRAPHER: We're back on the record.
 4 The time is 12:31.
 5 BY MS. WESTBY:
 6 Q. You testified that you've missed some days of
 7 work because of this. How many days of work have you
 8 missed?
 9 A. Since working at the gas station, I missed --
 10 I went home -- three to four.
 11 Q. Three to four days?
 12 A. (Witness nods head.)
 13 Q. Okay.
 14 A. My boss had to help me out to my husband's
 15 truck. It got really bad. My boss had to help me out
 16 to my husband's truck. It got really bad.
 17 Q. Now, before this incident happened, and let's
 18 talk about when you were working at the -- at the
 19 hospital, did you miss days of work at the hospital?
 20 A. Yeah, and I would come up with any excuse
 21 possible to leave.
 22 Q. I'm talking about before the incident.
 23 A. Oh, before the incident, I missed some.
 24 Yeah.
 25 Q. What did you miss for?

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1 and I'm talking about the day before this incident
 2 happened, did you go into your physician and request
 3 that your doctor write a note, fax it to your employer,
 4 because you were afraid of losing your job for missing
 5 time at the hospital?
 6 A. Um, I had gone in to the doctor, and I don't
 7 know how long before it had happened, I had talked to
 8 him about what was going on with work aspects, and he
 9 had offered to write me a note. I don't recall -- I
 10 don't remember if he had or not written me that note.
 11 But I didn't miss any, you know. I wasn't allowed to
 12 because I was a good employee.
 13 And so after this incident happened, I just
 14 kind of came up with any excuse I possibly could to
 15 leave.
 16 Q. And I'm talking about before this incident.
 17 Tell me what -- what you --
 18 A. I don't remember.
 19 Q. Tell me what you --
 20 A. I don't --
 21 Q. -- were talking --
 22 A. -- remember.
 23 Q. Well, you just said that you went in to talk
 24 to the doctor --
 25 A. Yeah.

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1 Q. -- about --
2 MR. GOSMAN: Shh, shh, shh.
3 BY MS. WESTBY:
4 Q. Let me finish --
5 MR. GOSMAN: Let her go ahead and finish,
6 Tricia.
7 BY MS. WESTBY:
8 Q. -- about work aspects prior to this incident,
9 and you didn't remember whether you asked her to write
10 you a note?
11 A. Yes.
12 Q. My question is: What work aspects are you
13 talking about?
14 A. What do you mean?
15 Q. That's the term you used.
16 A. My work -- you know, I was having issues at
17 work.
18 Q. What kind of issues?
19 A. Boss-related issues.
20 Q. Okay. Well, tell me about that.
21 A. What does that have to do to pertain to this
22 case?
23 MR. GOSMAN: That's not for you to question,
24 Tricia. So go ahead and -- and answer the question.
25 THE WITNESS: I didn't get along with my

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1 question.
2 THE WITNESS: Not to much -- yeah.
3 MR. GOSMAN: Tricia, I'm sorry.
4 THE WITNESS: So I don't have to reanswer?
5 MS. WESTBY: You have to.
6 MR. GOSMAN: Well, it's asked and answered
7 but go ahead.
8 THE WITNESS: Okay. What was the question
9 again?
10 BY MS. WESTBY:
11 Q. Before this incident happened, you were
12 having problems with your boss because of how much time
13 you were missing from work?
14 A. I was having problems with my boss due to
15 other situations, and I was missing work. You know, I
16 wasn't feeling well. I was sick.
17 Q. How were you sick?
18 A. I already told you. I had the cold and the
19 flu.
20 Q. Were you -- did you miss any days because of
21 psychological problems that you were having?
22 A. The only time I missed was when the Zoloft
23 was messing with me, and I wasn't sleeping. And I had
24 called her that morning and told her, and she
25 understood. She's like, okay. I understand that. You

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1 boss.
2 BY MS. WESTBY:
3 Q. Why not?
4 A. Because, I just didn't get along with her.
5 She expected too much from me.
6 Q. And explain that. Expected too much in terms
7 of the assignments she was giving you?
8 A. No, in terms of I worked with an older lady,
9 so the older lady didn't have to do anything but sit on
10 her butt while I did everything.
11 Q. Was there also an element to this that you
12 were missing work and that she was upset with you about
13 that?
14 A. I had missed work, you know, but I just made
15 PTO on it, and I always gave her notice when I was
16 sick.
17 Q. Did -- did your boss express concerns to you
18 about the amount of time that you were missing from
19 work?
20 A. Yeah. But she didn't start to express it
21 fully or dock my hours until after this happened.
22 Q. But before this happened, you were having
23 problems with your boss because you were missing too
24 much work?
25 MR. GOSMAN: You just asked her that

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1 know. We got it covered.
2 Q. Who was your boss?
3 A. Christina DeLeon.
4 Q. Is she still there?
5 A. Not a clue. I know she was really mad when I
6 quit.
7 Q. Why was she mad?
8 A. Because I was a good worker.
9 Q. Is that what your employment records will
10 reflect?
11 A. Oh, yeah, my raises will reflect that.
12 Q. Okay. Before this incident, I've also seen
13 indications in your medical records that you were
14 provide -- provided Celexa?
15 A. Okay. Maybe that's another one I was on when
16 I was younger.
17 Q. Okay.
18 A. That's an antidepressant?
19 Q. It is. Do you know which doctor was
20 prescribing Celexa for you?
21 A. No.
22 Q. When were you on it?
23 A. Not a clue.
24 Q. Okay. What about Lexapro?
25 A. Recently with the Lexapro.

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1 Q. Who were you prescribed Lexapro by? 2 A. Dr. Troy Stiles. And he's also the one who 3 prescribed me these. 4 Q. We've talked about the treaters prior to -- 5 well, when you were in Minnesota. And then, I think, 6 we tried to -- to figure out treaters after you moved 7 back from Minnesota. 8 But can you just give me a list of every 9 doctor or every clinic that you've been to since you've 10 moved back from Minnesota to Wyoming? 11 A. So all the clinics in Wyoming that I've been 12 to? 13 Q. Or Billings or -- you know, any place since 14 you've moved back to Wyoming? 15 A. Do I have to bring up my pregnancy? 16 Q. Just so I have a complete list of the 17 physicians that you've seen, yes? 18 A. My child will not be brought into this 19 whatsoever, right? 20 Q. I -- you know, we're entitled to get all of 21 your medical records. 22 MR. GOSMAN: You don't have to worry about 23 that, Tricia. Do not worry about that. 24 THE WITNESS: Okay. 25		1 need to pick up smoking again." She says, "Try to cut 2 down, but pick it up again." She goes, "Because the 3 stress levels you're on right now is going to cause you 4 to lose your baby." 5 Q. The stress of what was going on? 6 A. The stress of everything that was going on 7 after it had happened. The anxiety and the panics. 8 And seeing a cop and having an attack. I mean, it 9 was -- it was stressful. Just driving into town was 10 stressful. 11 Q. Did you have financial issues? Were you 12 having financial issues at the -- the time this 13 happened, at the time of this incident in February of 14 '09? 15 A. Nope. 16 Q. Nothing? 17 MR. GOSMAN: Asked -- asked and answered. 18 BY MS. WESTBY: 19 Q. Do you -- were you making all of your house 20 payments? 21 A. Yes. 22 Q. So no financial issues whatsoever? Is that 23 accurate? 24 A. Yeah. Correct. 25 Q. Okay. Okay. So the doctor -- which doctor	
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1 BY MS. WESTBY: 2 Q. There's -- 3 A. I seen a doctor in Billings when I was 4 pregnant. It was for an ultrasound. Which doctor? I 5 don't know. 6 Q. Do you know -- 7 A. He was a specialist. It should probably be 8 on my records through Powell. But they had sent me 9 there because they got me the appointment with them. 10 Q. Why did you have a special -- an appointment 11 with a specialist? 12 A. Because with all the complications that were 13 going on, it was affecting him as a fetus. 14 Q. What complications? 15 A. I started to bleed. 16 Q. What complications? 17 A. Stress. You know, when I found out I was -- 18 when I found out I was pregnant, I stopped all my meds. 19 Because they all said, if pregnant, stop. So I stopped 20 them all. 21 And then I started to have complications, 22 because I also tried to quit smoking cold turkey. And 23 then with the stress of everything that was going on, 24 it started to cause me to bleed. And I went into the 25 doctor. And she told me, she's like, "You know, you		1 told you to take up smoking again? 2 A. Dr. Spomer. It was either Dr. Spomer or her 3 aide, Lisa Hobby. 4 Q. Were you still smoking marijuana while you 5 were pregnant? 6 A. No. I'd never do anything to hurt my kid. 7 Q. Okay. So continue with all of the 8 physician's, clinics, treaters that you've seen since 9 you've lived in Wyoming? 10 A. I seen that one in Billings, like I said, for 11 the ultrasounds. Otherwise, it's been here in Powell. 12 Betsy Spomer. And Dr. Reisner. And then occasionally, 13 Dr. Wurzel, if it was -- I couldn't get in to see my 14 doctors. 15 Q. Did you say Isner? 16 A. Reisner. 17 Q. Okay. 18 A. Not a clue on the spelling. 19 Q. What about psychological things? Anybody in 20 addition to this list? 21 A. For counselor-wise? 22 Q. Anything. Any treaters for anything? 23 A. Well, I've only seen my counselor since this 24 happened. 25 THE COURT REPORTER: I'm sorry?	

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1 THE WITNESS: I've only seen counselors and
2 therapists since this has happened.

3 BY MS. WESTBY:

4 Q. And I'm asking you for a complete list,
5 before and after the incident since you've moved back
6 from Wyoming -- or since you moved back from Minnesota
7 to Wyoming, a complete list of all treaters of any
8 nature that you have seen.

9 A. Dr. Troy Stiles, Dr. Kobos. I don't know if
10 he's a doctor. I would just say Kobos. And then there
11 was my pastor, Bill Spencer. And then there was Zan
12 Liljegren through the hospital. When I still worked
13 there.

14 Q. I'm sorry. I can't understand you.

15 A. Zan Liljegren. I have no idea how to spell
16 that. And that was through the hospital. And you got
17 Dr. Reisner, right?

18 Q. Uh-huh. Yes.

19 A. Spomer, Hobby. Can't think of any more off
20 the top of my head. But if I think of any more, do you
21 want me to have him contact you with the names?

22 Q. Yes, that would be great.

23 You testified that Dr. Spomer -- when you
24 said that you have this stress, part of it was quitting
25 smoking, correct?

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1 A. She wasn't sure. But she told me to keep --
2 to cut down, to pick it up again and cut down from
3 there and see if I could quit, 'cause I was bleeding
4 heavily and about to lose my child.

5 Q. And did you ever --

6 A. And she did say it was stress-related.

7 Q. Did you ever --

8 THE COURT REPORTER: She did or didn't?

9 THE WITNESS: She did say to me verbally that
10 it was stress-related.

11 BY MS. WESTBY:

12 Q. Did -- did you ever quit smoking while you
13 were pregnant?

14 A. I had cut down, but that was about as far as
15 I was willing to take it. I didn't want to lose my
16 kid.

17 Q. So you never quit smoking while you were
18 pregnant?

19 A. (Witness shakes head.)

20 Q. In -- Dr. Wurzel wrote a letter to Zan
21 Liljegren, or however you say his name, talking about
22 that you had had this experience that you had described
23 as traumatic, the incident that we're talking about
24 today, and that this was on top of your already
25 deteriorating condition. What was he referring to?

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1 A. Depression.

2 Q. So just generally that you were suffering
3 from depression before this?

4 A. Yes.

5 Q. Anything else?

6 A. Not that I know of.

7 Q. It also -- your medical records -- records
8 also mention a charge of possession of marijuana in
9 2009, but then your report that that was expunged from
10 your record?

11 A. Uh-huh.

12 Q. Is that "yes"?

13 A. Yes.

14 Q. Tell me where -- how -- how -- tell me what
15 you're talking about, about it being expunged.

16 A. It was expunged because in order for me to
17 get off and get it expunged, they told Bret that he'd
18 have to take the cultivation and have it stay on his
19 record. And Bret didn't want it on mine, so Bret took
20 the plea so mine would get expunged.

21 Q. So that was your understanding of what
22 happened with your conviction?

23 A. Uh-huh.

24 Q. "Yes"?

25 A. Yep, because my husband didn't want me to

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1 suffer any more than what I had to.

2 Q. And you, in fact, pled guilty to this --

3 A. Yeah.

4 Q. -- charge, correct?

5 A. Correct.

6 Q. Okay. What is your understanding of Bill
7 Spencer's qualifications?

8 A. Who's Bill Spencer?

9 Q. Oh, pastor?

10 A. Oh, okay. As far as I know, he's got a Ph.D.

11 Q. Is it in psychology?

12 A. I think, I'm not positive. I know he is very
13 qualified to, you know, listen and treat and stuff like
14 that. You know.

15 Q. Has he told you that he's a psychologist?

16 A. No, it's just kind of something everybody
17 knew when he took over the church, you know.

18 Q. That -- that he was a psychologist?

19 A. That he's -- yeah, that he's a very smart
20 man. I don't know if he's a psychologist. I just know
21 he has a Ph.D. I don't really ask him much.

22 Q. Okay. In the -- when the police searched
23 your house, they found test kits?

24 A. Uh-huh.

25 Q. Tell me about those.

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1 A. You'd have to ask my husband about those.
 2 Q. Those -- you don't know anything about those?
 3 A. I know that they were tester kits.
 4 Q. What were they test kits for?
 5 A. I don't remember. I know one was marijuana.
 6 And I don't remember, to be honest.
 7 Q. What -- what did you use those test kits for?
 8 A. Nothing, just to kind of keep on hand. You
 9 know, something cool and different.
 10 Q. But I mean, what did you -- what did you do
 11 with them?
 12 A. They were in storage
 13 Q. Did you use them to test for --
 14 A. No.
 15 Q. -- levels of something in your marijuana?
 16 A. No.
 17 Q. You never used them?
 18 A. No. Just something different.
 19 Q. Was the other test kit, in addition to the
 20 marijuana test kit, for methamphetamine?
 21 A. Could have been. I never read them.
 22 Q. Where did you get them?
 23 A. You'd have to ask my husband that. I don't
 24 know. It just kind of appeared in boxes, you know.
 25 When you move so many places, things get put in

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1 I'm trying to be nice. I'm sorry if I come off as
 2 sarcastic.
 3 BY MS. WESTBY:
 4 Q. How often -- your attorney has listed Bruce
 5 Olsen and Gill Parnell; is that her name?
 6 A. I know a Jill Harr (phonetic).
 7 Q. As -- as character witnesses for --
 8 A. It could be Parnell -- I mean, Harr.
 9 Q. Parnell?
 10 A. I know a Joan Harr, but I don't know a
 11 Parnell. But I don't know if she changed her last
 12 name, either.
 13 Q. Okay. And it could be. Are those people who
 14 work with Tom Wachsmuth?
 15 A. Joan is. And the other name was?
 16 Q. Bruce Olsen.
 17 A. He doesn't work with Tom. He is in law
 18 enforcement.
 19 Q. Okay. Have -- have Bruce or Joan been to
 20 your house? Were they to this house that's -- that you
 21 lived in when this incident happened?
 22 A. Joan has been there. Bruce never was.
 23 Q. How many times was Joan there?
 24 A. I don't know. I really don't know.
 25 Q. Can you give me an estimate?

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1 different boxes. You go through your boxes, and you're
 2 like, hey, that's cool and different.
 3 Q. Where were these test kits in your house?
 4 A. I think they were in the garage. I don't
 5 know.
 6 Q. And it's your testimony that your husband
 7 will know where they came from?
 8 A. Yeah.
 9 Q. That they were his?
 10 A. I'm not saying they were his. I'm saying he
 11 would know where they were placed and where they were
 12 at.
 13 Q. And where they came from?
 14 A. Possibly. You know, honestly, if you want,
 15 you know, questions for my husband, you should have had
 16 him stay in.
 17 MR. GOSMAN: That's not how it works, Tricia.
 18 THE WITNESS: Well, I know, but I can't
 19 answer for him.
 20 MR. GOSMAN: Well, I don't -- please, don't
 21 argue with --
 22 THE WITNESS: I know, I'm trying not to.
 23 MR. GOSMAN: And do not be sarcastic. Just
 24 answer the questions.
 25 THE WITNESS: I'm trying not to be sarcastic.

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1 A. No. If she was there, it was usually with
 2 Tom, running, help out with the vehicle real quick. You
 3 know.
 4 We let her stay there for a little bit while
 5 we paid rent because we had our monthly -- you know,
 6 because when we moved out, we were still paying
 7 our house payments, and our house payments are paid up.
 8 So we let her crash there for a little while after all
 9 this had happened and ...
 10 Q. When did she live there?
 11 A. I don't know. I can't give you a month or a
 12 time frame. I really don't know.
 13 Q. Was it in February after this happened?
 14 A. I think so, but I'm not positive. It could
 15 have been. It could have been end of February,
 16 beginning of March.
 17 Q. How long did she live there?
 18 A. Not long. Just until she found a place,
 19 until our rent was paid up. Because like I said, we
 20 had paid it. And it sucked that we weren't -- you
 21 know, I couldn't go in there. So we weren't living
 22 there because I couldn't even go in the house, and we
 23 told her, it's like you know what? Our rent is paid,
 24 our utilities are paid. Free living for you to get on
 25 your feet and get your own place.

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1 Q. Why did she need that? Was she going through
2 a divorce or some problem?

3 THE WITNESS: Do I have to answer that?

4 MR. GOSMAN: Yes.

5 THE WITNESS: That's kind of personal
6 information on her part.

7 MR. GOSMAN: Well, if you know it you should
8 answer.

9 THE WITNESS: She was going through a
10 divorce.

11 BY MS. WESTBY:

12 Q. Did she pay you rent?

13 A. No. We had it all paid up.

14 Q. Was the house -- did you sell or did the
15 house go back to the bank?

16 A. We sold.

17 Q. Are --

18 MR. GOSMAN: I think we ought to take a break
19 for lunch.

20 MS. WESTBY: I have two -- I have two more
21 questions.

22 MR. GOSMAN: That's fine. We'll take those
23 two.

24 BY MS. WESTBY:

25 Q. Did -- it looks like Bret kept a journal. In

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1 Q. How did you know that?

2 A. I'm being used --

3 MR. GOSMAN: I thought that was your last
4 question.

5 THE WITNESS: Yeah, like I said. I took Legal
6 Ways. Being used as a human shield is not part of your
7 constitutional rights. It is a violation of your
8 constitutional rights to be used as a human shield.

9 BY MS. WESTBY:

10 Q. Did you talk to Tom Wach -- Wachsmuth about
11 whether or not you should hire an attorney?

12 A. No, I already told him I was hiring an
13 attorney before I told him what was happening.

14 Q. Did you talk to anybody else about hiring an
15 attorney before you did it?

16 A. Just Tom. You know, I told Tom I was going
17 to hire an attorney. And he said, "Okay."

18 MS. WESTBY: Okay. I don't think I have any
19 further, unless your attorney asks you questions and I
20 have follow-ups.

21 MR. THOMPSON: Well, I've got some, too,
22 so ...

23 MR. GOSMAN: We're going to take a lunch
24 break.

25 MR. THOMPSON: Yeah.

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1 addition to the grow log, he also kept a journal or a
2 diary. Did you keep a journal or a diary?

3 A. No.

4 Q. Have you -- do -- I mean, do you have
5 anything where any notes would be written about this
6 incident, Day-Timer --

7 A. No. I don't keep journals. I write poems.

8 Q. You write poems?

9 A. Used to write poems, I should say. I haven't
10 done it in years.

11 Q. Do you have, like, notebooks of poems?

12 A. No, I have a little book of them.

13 Q. Okay. When are those -- when were those
14 written?

15 A. After my dad and brother died.

16 Q. Okay. Up to -- up to when?

17 A. Not long after. I think I wrote two after my
18 dad died and two after my brother, and he died in July.
19 So I stopped probably September of 2001.

20 Q. Okay. And the last question that I want to
21 ask you is when you hired an attorney and why you hired
22 an attorney?

23 A. I hired an attorney immediately. And I hired
24 an attorney because I knew what was done to me was
25 wrong.

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1 THE VIDEOGRAPHER: We'll go off the record.
2 The time is 12:57.

3 (Recess taken 12:57 to 2:30
4 p.m., October 4, 2010)

5 MR. GOSMAN: Okay. Do you want me to go
6 ahead?

7

8 MR. THOMPSON: Go ahead, Jeff.

9 MR. GOSMAN: Yeah, thanks.

10 For the record, we have set -- set out an
11 order for the depositions of the party defendants, and
12 the order that we will proceed in this week will be --
13 I'm -- I'm just going to list the last name of the
14 officers involved. Danzer, Chretien, McCaslin, Brown,
15 Miner, Hall, Lara, Eckerdt, Blackmore, Chapman, and
16 Chief Feathers.

17 MR. THOMPSON: Thank you, Counsel.

18 BY MR. THOMPSON:

19 Q. Ma'am. before we go any further, I want to
20 remind you that you're still under oath.

21 THE VIDEOGRAPHER: We need to go on the video
22 though.

23 MR. THOMPSON: Okay. Thought you were
24 quicker than me.

25 THE VIDEOGRAPHER: We're back on the record.

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1 The time is 2:31.

2 **CROSS EXAMINATION**

3 **BY MR. THOMPSON:**

4 Q. Ma'am, before we go any further with any
5 additional questioning, I'll remind you that you're
6 still under oath; you understand?

7 A. (Witness nods head.)

8 Q. Is that a "yes"?

9 A. Yes. Sorry.

10 Q. At the beginning of the deposition, I
11 introduced myself. My name is Tom Thompson, I
12 represent the City of Powell and all those officers who
13 may be named in their official capacity. And I just
14 have some questions that I want to follow up on. So
15 that I'm clear about your testimony, okay?

16 A. (Witness nods head.)

17 Q. Is that --

18 A. Okay.

19 Q. And remember, you got to give an audible
20 response to the -- the questions that I ask. All
21 right?

22 A. (Witness nods head.)

23 Q. Is that a "yes"?

24 A. Yes. Sorry. Habit.

25 Q. You stated that since the time that your

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1 They thought I did until after I seen a different
2 doctor, and he said, "No, this is depression. I'm
3 going to put you on Zoloft."

4 Q. Okay.

5 A. Because he knew as soon as I explained to him
6 my symptoms, he knew what it was. I was just sad.

7 Q. Okay. And I'm going to skip around a little
8 bit. There's not much of a -- a logical sequence to
9 these questions, other than it's the notes that I took
10 as you gave your testimony, okay?

11 A. (Witness nods head.)

12 Q. You talked about the house that you lived in
13 when this incident occurred. And my belief is that
14 your testimony has been that you and your husband owned
15 that house. Is that correct?

16 A. When this incident took place in Wyoming?

17 Q. Yes.

18 A. We owned the house in Wyoming, yes.

19 Q. And was the house mortgaged?

20 A. I don't --

21 Q. You don't know?

22 A. I don't really know. I know we went through
23 WCDA for our loan, and we paid them.

24 Q. And -- and so you had a loan on the house?

25 A. Yeah.

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1 father passed away, that you were treated on and off
2 for depression, do you recall that testimony?

3 A. Yes.

4 Q. And how were you treated for depression?

5 A. Just depression pills.

6 Q. And I'll remind you also, you got to wait for
7 me to ask --

8 A. I thought you were done because you paused.

9 Q. -- the question because I'm -- I'm a little

10 slow.

11 A. Okay.

12 Q. I'm from the southern part of the state.

13 So how were you treated for depression during
14 that time after your -- your father passed?

15 A. I was given prescription medication.

16 Q. And that would have been back in Minnesota?

17 A. Yes.

18 Q. And you can't recall the -- other than the
19 testimony that you've already provided, you can't
20 recall the names of the treating providers?

21 A. No.

22 Q. Did you seek out any sort of counseling for
23 your depression or anxiety in those early years after
24 your father passed?

25 A. I didn't have anxiety after my dad died.

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1 Q. And you made payments on that house to WCDA?

2 A. Yep.

3 Q. And if you've answered this question already,
4 I apologize. My note doesn't indicate that you did.
5 But who prescribed Zoloft for you prior to this
6 incident?

7 A. I don't know the name of the -- well, like,
8 back in Minnesota or the most recent Zoloft?

9 Q. The most recent Zoloft.

10 A. I think, and I'm not positive on it, but I
11 think it was Dr. Wurzel. But I could be wrong.

12 Q. Would there have been another doctor that was
13 prescribing that sort of medication for you --

14 A. It could have been my primary doctor, which
15 would have been Lengfelder at the time.

16 Q. You talked about an investigation. And you
17 related that back to a class that you had in -- in high
18 school?

19 A. Uh-huh.

20 Q. Did anybody else, either Bret or anybody
21 locally, tell you that they would have to do an
22 investigation, other than your experience in high
23 school? Where did that come from?

24 A. High school. Books. You know, I was in
25 the -- it was in the junior high -- in the alternative

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1 program. And you get to pick your courses. And I
2 picked Legal Ways, which is pretty much getting you
3 prepared for college if you want.

4 Q. Did you ever talk to Tom Wachsmuth about that
5 issue, that they would have to do an investigation
6 prior to an arrest?

7 A. No, I never talked to him about
8 investigations.

9 Q. Did you ever talk to him at all about his
10 work in DCI?

11 A. He keeps his work pretty to himself.

12 Q. So the answer is yes or no?

13 A. No. Well, wait. Rephrase the question.

14 Q. Did you ever talk to him about his work in
15 DCI?

16 A. No.

17 Q. And what led you to believe that the amount
18 of marijuana that you were growing would result in just
19 a misdemeanor charge?

20 A. Because my husband and I looked online to see
21 what the legal limits were, and it's under 3 ounces of
22 marijuana, as long as it is not in individual bags, is
23 considered misdemeanor.

24 Q. And you looked online. Do you recall where
25 online you looked?

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1 A. No.

2 Q. Do you recall what you looked at online?

3 A. I know it was Wyoming laws for something. I
4 know it was under the Wyoming laws. 'Cause we know
5 they differ state by state.

6 Q. Were -- were you taught by someone to take
7 your frustrations out on animals, stuffed animals?

8 A. It was something I did one day instead of
9 cutting my arm. I cut a stuffed animal, and it worked
10 just as well. And I thought, great, no more
11 mutilation.

12 Q. So it was self-taught?

13 A. Yeah.

14 Q. Have you talked to any of your counselors,
15 either to the pastor that you're seeing or to the
16 counselor, about cutting and -- and burning,
17 self-mutilation?

18 A. No.

19 Q. You haven't mentioned it to either one of
20 them?

21 A. No.

22 Q. Have you ever talked to any healthcare
23 provider about either burning or cutting yourself?

24 A. No.

25 Q. Why not?

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1 A. It's not something I'm proud of. And it's
2 not something I'm like, hey, look at what I do?
3 Q. You're seeking counseling for your mental
4 health issues, are you not?

5 A. Yes. And I just started seeing Kobos. But
6 you have to make sure that you trust the person you're
7 talking to before you go ahead and give them
8 information that is personal to you and that you feel
9 they could look down and judge you for that. And I've
10 been judged too many times.

11 Q. Is there anything else, besides the -- the
12 cutting and the burning, that you've not told either
13 the pastor or the counselor about?

14 A. Not if you've asked me -- I pretty much --
15 anything they have asked, I've been honest.

16 Q. Do you trust your -- your counselor at this
17 point?

18 A. Um, he's a really nice guy. Very easy to
19 talk to. I wouldn't say I don't trust him. I wouldn't
20 say I've built up to the point where, you know, I would
21 trust him with my life. But he's a very nice guy. And
22 there could be a possibility of me gaining that trust
23 with him.

24 Q. How about the pastor that you're seeing?

25 A. He's nice. I really like him. But there's

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1 certain things -- he's a pastor. There's certain
2 things that I don't want to be judged for.

3 Q. You're -- you're not completely disclosing
4 everything to either of those providers?

5 A. If they ask me, I tell them the truth. If
6 they don't ask me, I don't feel any need to tell them.

7 Q. You -- you talked about the threat that you
8 believed you received from the confidential informant,
9 do you recall that testimony?

10 A. Uh-huh.

11 Q. Is that a "yes"?

12 A. Oh, sorry. Yes.

13 Q. Did you feel that your life was being
14 threatened?

15 A. Yes.

16 Q. Why didn't you go to law enforcement?

17 A. No proof besides him calling saying it to
18 Bret and then hanging up. There's really no proof
19 there. And what are they going to do? Oh, no proof,
20 have a good day.

21 Q. You didn't go to law enforcement?

22 A. No.

23 Q. And talk to them --

24 A. No.

25 Q. -- about that either?

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1 Let me finish the question.

2 Even though your father-in-law was a DCI
3 agent, correct?4 A. Correct. My husband -- well, I thought
5 you -- I thought you were done. You paused.6 MR. GOSMAN: Well, yeah. We got to let the
7 witness finish the answer as well as the person taking
8 the deposition --

9 MR. THOMPSON: I agree.

10 MR. GOSMAN: -- finish the question.

11 MR. THOMPSON: And I don't believe I had a
12 question that I was asking you. You said your husband
13 and -- and it trailed off.14 THE WITNESS: I felt my husband could protect
15 me. And when he wasn't there to -- to protect me,
16 that's why he would put the gun on that shelf.

17 BY MR. THOMPSON:

18 Q. And when --

19 A. My husband -- the guy -- the confidential
20 informant was a little bit shorter -- shorter -- you
21 know, a little bit taller than me. About an inch
22 taller than me. And my husband is not short. You
23 know, and I feel very safe when it comes to being with
24 my husband or my father-in-law. I feel incredibly
25 safe. You know, like, I know neither one of them wouldTRICIA WACHSMUTH - October 4, 2010
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1 let any harm come to me if it came to it.

2 Q. You didn't go for the gun that was sitting
3 there that your husband had placed there for you when
4 you saw somebody on the porch, did you?

5 A. No, I went to call 911.

6 Q. So you went to call the police at that point
7 in time?

8 A. Until I realized it was the police. Then --

9 Q. Why didn't you go for the gun?

10 A. I was frozen. I was scared. As soon as they
11 busted in my door, I was scared. I was frozen.12 Q. Did you talk to Tom Wachsmuth about filing
13 this lawsuit prior to seeking out an attorney?14 A. I told him I wanted to talk to an attorney
15 and I'd like to sue. And then I told him what had
16 happened. And he said, Yes you are correct, they did
17 do -- you know, what they did do was wrong. And I got
18 a lawyer. You know, it was my decision. It was my
19 choice. I'm the one who is choosing to do this. Not
20 Tom.21 Q. He provided you an opinion in regards to what
22 the -- what the officers did?23 A. What do you mean? I don't understand the
24 question.

25 Q. Well, you stated that you told him what had

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1 happened, and he told you that it was wrong?

2 A. Well, I told him -- I told him I wanted to
3 talk to an attorney, first. And then, you know, he
4 just kind of looked at me, and I told him what had
5 happened. And he was like, "Well, you were wronged and
6 we will get you an attorney."

7 Q. Is it -- is it Tom who got you the attorney?

8 A. No, we got the attorney. It is all on me. I
9 got the attorney. I am the one paying for the
10 attorney.11 Q. And the reason I ask you that, ma'am, is
12 because you said he said, "We will get you an
13 attorney"?14 A. Well, he's a father. You know, everything
15 comes out like that. I mean, do you have kids? You
16 know, if you were to talk to your kids, you would say
17 it the same way. "We will." You know, just to more or
18 less give your kid that -- you know, that security of,
19 you know, you're not alone. Whether they are or not,
20 you never want your kid to think they are alone.21 Q. Is -- and I'm -- I'm not going to ask you
22 about any conversations that you had with any attorney.
23 But did you see any attorneys before you saw
24 Mr. Gosman?

25 A. Bill Simpson.

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1 Q. And did you see Mr. Gosman after Mr. Simpson?
2 A. Yep.
3 Q. Were -- were any of the pistols that were in
4 the house when the officers came in, were any of those
5 pistols that you or your husband owned?6 A. I'd -- you'd -- that's a husband -- ask him
7 that -- that's a question you'd have to ask my husband.

8 Q. Let -- let me ask you --

9 A. I don't know.

10 Q. Wait for the question.

11 Let me ask you, did you own any of those
12 handguns?

13 A. No.

14 Q. Have you ever owned a handgun?

15 A. No.

16 Q. You've -- you've shot guns before?

17 A. Yeah.

18 Q. Pistols, rifles?

19 A. No, I can't hold the rifle. Just the handgun
20 ones, whatever those are called. The little ones.

21 Q. And you shot with whom?

22 A. My husband.

23 Q. Ever shoot --

24 A. He took me out.

25 Q. Ever shoot with your father-in-law?

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1 A. No.
 2 Q. So you knew how to use a handgun?
 3 A. Yeah. My husband thought it was funny that I
 4 had never shot one.
 5 Q. When you -- when you looked out the window
 6 and -- and saw somebody on your porch on the -- the
 7 evening of this incident, was your porch light on?
 8 A. Yes.
 9 Q. And I believe your testimony was that you
 10 heard at some point in time, "Get her, she's going
 11 first"?
 12 A. Uh-huh.
 13 Q. Is that correct?
 14 A. That is correct.
 15 Q. Did you ever say why?
 16 A. I said, "me," is all I said.
 17 Q. Did you ever say, "I'm not going to go down
 18 those stairs"?
 19 A. You don't argue when there's several guns
 20 pointed at you. You do what you're told.
 21 Q. Did you ever say, "I'm not going to go down
 22 those stairs"?
 23 A. You never argue when there's guns pointed at
 24 your head. I cannot answer that with a yes or no.
 25 Because you don't argue. It's one of those questions

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1 the gun was pointed at you, but that was just a
 2 feeling. You didn't --
 3 A. That was a feeling --
 4 Q. Ma'am, ma'am, wait for me to ask the
 5 question, please. This will go a lot quicker if we do
 6 it that way.
 7 You never did observe the officer as you were
 8 walking, looking forward, you never observed the
 9 officer behind you, correct?
 10 A. No.
 11 Q. Is that correct?
 12 A. That is correct.
 13 Q. And you stated the only time that you saw,
 14 when you were going down the stairs, that the officers
 15 had their guns up is when you abruptly stopped and put
 16 your hands to the side?
 17 A. Up.
 18 Q. Put your hands up, correct?
 19 A. Up on the wall, yes.
 20 Q. Up on the wall, correct?
 21 A. Correct.
 22 Q. Is it your testimony that when that happened,
 23 all of the officers in line brought their guns up?
 24 A. Yep.
 25 Q. So they were pointing at each other?

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1 that has to have an explanation with it.
 2 Q. You didn't say, "I'm not going to go down
 3 those stairs"?
 4 MR. GOSMAN: Go ahead. Tell him.
 5 THE WITNESS: Well, I would like to explain
 6 if I answer that a yes or no because it's a yes or no
 7 question that needs an explanation followed by it.
 8 BY MR. THOMPSON:
 9 Q. I think you've explained it twice.
 10 A. Well, I would like to explain it again.
 11 MR. GOSMAN: No, Tricia, I don't -- I don't
 12 want you to do that. The record is full of that
 13 information. We really don't even need to be here.
 14 THE WITNESS: Okay. I just don't want him to
 15 use it against me.
 16 MR. GOSMAN: Well --
 17 THE WITNESS: Because I --
 18 MR. GOSMAN: I'll take care of you in that
 19 regard.
 20 BY MR. THOMPSON:
 21 Q. Did you ever tell them, "I'm not going to go
 22 down"? Did you ever refuse?
 23 A. No. No.
 24 Q. Your testimony also is that you believed that
 25 you felt when the officer was walking behind you, that

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1 A. No. They were all standing right here and
 2 here. And they lifted them up and they aimed at me.
 3 They aimed them at me, like ready to shoot me. I was
 4 their target. They wanted -- in my opinion, they
 5 wanted me dead.
 6 Q. That's -- that's your opinion?
 7 A. And that's what I said, in my opinion.
 8 Q. What -- what do you base that on?
 9 A. Twenty guns pointed at you? How would you
 10 feel? Would you not get scared? Would you not do what
 11 you're told.
 12 Q. I'm just trying to find out, ma'am, what's
 13 your opinion as to why they wanted you dead?
 14 A. After what they did to my home and the way
 15 they were treating me. They were bringing me down into
 16 a basement forcefully. I had no choice. I was held at
 17 gunpoint. You don't argue when you have -- when you're
 18 held at gunpoint.
 19 Not once did they ask me if I wanted a vest.
 20 Not once did they ask me if I wanted to go upstairs.
 21 Not once did they ask me if I was okay with any of it.
 22 Not once did somebody say, "Hey, stop. Bring her back
 23 up here." Not once did anybody try to stop this from
 24 happening to me.
 25 Q. Are you done?

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1 A. Are you?
 2 Q. No, ma'am, I still have some additional
 3 questions. Are you okay, or do you need a break?
 4 A. I'm okay.
 5 Q. Now, you were in the house before the
 6 officers ever came in, and you were concerned that
 7 somebody could be in the basement, correct?
 8 A. Not until after they did what they did
 9 towards the basement. That's when I started thinking
 10 if somebody is in my basement.

11 MR. GOSMAN: And by the way, I want to go on
 12 the record. I have no problem with questions that are
 13 true follow-up questions to the deposition that's been
 14 given here today. But these -- this is territory that
 15 has been covered foot by foot in the previous
 16 questions, and you're asking the same questions over
 17 again. And there's only so many times I'm going to
 18 allow my client to, you know, testify.

19 MR. THOMPSON: So the -- so the objection is
 20 objection as to form?

21 MR. GOSMAN: Asked and answered.

22 MR. THOMPSON: Okay.

23 BY MR. THOMPSON:

24 Q. Now, when you had concern that someone was in
 25 the basement, did you ever believe that the officers

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1 A. Yeah, my -- Kobos and Stiles. I'm supposed
 2 to see Kobos sometime this week to work on the
 3 nightmares because they are getting worse, and that's
 4 why he gave me the medication that I'm on for now. And
 5 I'm supposed to keep seeing him until we find the right
 6 dosage and get the -- get the nightmares taken away so
 7 I can actually sleep and wake up without fear.
 8 Q. And -- and I think you misunderstood my
 9 question. I said, "Other than the providers who you've
 10 treated with, have you relayed these symptoms or
 11 these" -- "this condition to anyone else?"
 12 A. Huh-uh.
 13 Q. Is that a "no"?
 14 A. Other than my healthcare providers?
 15 Q. Yes, ma'am.
 16 A. No.
 17 Q. Have you talked to your husband at all about
 18 it?
 19 A. Not really often. He sits in with some of my
 20 meetings with me to try and keep me calm. But even
 21 when we leave, he'll look at me and say, "How come
 22 you've never told me this?" I don't -- I don't want to
 23 hurt anybody.
 24 Q. I don't understand.
 25 A. I don't want to hurt him.

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1 had a concern that somebody was in the basement?
 2 A. With the way they were hiding behind me and
 3 pointing their guns at me, yeah, I honestly thought, in
 4 my opinion, if anybody was going to die that night, it
 5 wasn't going to be them. It was going to be me. I
 6 didn't feel they cared about my life.

7 Q. You -- you talked about the --

8 A. Sorry, I didn't mean to fly like that.

9 Q. You talked about the questioning by Officer
 10 Brown. Was officer Brown by himself when he was
 11 talking to you?

12 A. There was an officer sitting on a chair over
 13 by a filing cabinet. Which officer, I do not know.

14 Q. How far away from where you and officer Brown
 15 were at?

16 You're going to pull your microphone off.

17 A. Me to her, the end of her away. So he wasn't
 18 too far. It's a small little office. I wouldn't
 19 consider it anything nice.

20 Q. Seven, 8 feet away?

21 A. Oh, yeah. Give or take a foot.

22 Q. Other than the healthcare providers that your
 23 attorneys provided us records on, have you relayed your
 24 nightmares, anxiety attacks, panic attacks to anybody
 25 else?

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1 Q. Okay.
 2 A. You know, I tell him my nightmares and he's
 3 going to be worried and stay up all night with me. And
 4 there's no sense in making everybody suffer because I
 5 am.
 6 Q. Have you talked to anyone else in your family
 7 about these nightmares?
 8 A. Pretty much my husband knows a little bit
 9 about them. It's pretty much my healthcare
 10 professionals that know a lot and how vivid they are.
 11 And I go into detail with them. With my husband it's,
 12 oh, I have a nightmare. My healthcare providers, it's
 13 detail.
 14 Q. And -- and -- and you said pretty much my
 15 healthcare providers and my husband. And I just want
 16 to make sure that I've exhausted all of the possible
 17 people that you've talked to this about, other than the
 18 healthcare providers and your husband.
 19 A. Just personal. I just keep it between us.
 20 You know.
 21 Q. So there's nobody else that you talk to,
 22 other than --
 23 A. My father-in-law knows I have nightmares.
 24 Q. What -- how --
 25 A. But he doesn't know how bad they are or what

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1 they pertain to.
 2 Q. And your father-in-law, Tom Wachsmuth?
 3 A. Uh-huh.
 4 Q. Is that a "yes"?
 5 A. Yes.
 6 Q. And how does he know that you have
 7 nightmares?
 8 A. Because we lived with them and we lived with
 9 them after, and he's heard me scream, he's seen me
 10 downstairs watching TV at 1 hours of the night trying
 11 to get it out of my mind.
 12 Q. And is that an assumption on your part that
 13 he knows about that, or have you talked to him about
 14 that?
 15 A. I guess it's more of an assumption because
 16 he's seen me down there. He's never asked because he
 17 doesn't like to bring up bad things, because he knows
 18 every time I go through this and every time I have to
 19 say it over, I have very vivid, very vivid nightmares.
 20 Q. How about your mother-in-law, Donna
 21 Wachsmuth?
 22 A. No, I keep her out of it. And Pastor Bill,
 23 he knows about my nightmares, too.
 24 MR. THOMPSON: Let's talk about --
 25 MS. WESTBY: Oh, yes.

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1 going.
 2 Q. I -- and -- and I confuse easily, but I --
 3 you just confused me. I thought you said that the
 4 officer that held you at gunpoint was the one that was
 5 directly behind you as you were going downstairs?
 6 A. Behind me, yes. And the one who ordered me
 7 to go down was on the side of me. Like a little bit
 8 back behind on the side of me.
 9 Q. So --
 10 A. Like if I'm standing here, he would have been
 11 right there. And the officer who was behind me was
 12 behind me. This is behind, this is my side.
 13 Q. I'm going to give you one more chance to
 14 be --
 15 A. An artist?
 16 Q. -- an artist.
 17 MR. GOSMAN: We use numbers. We -- we -- or
 18 letters. I'm sorry.
 19 We probably ought to renumber the first
 20 exhibit as Exhibit A.
 21 MS. WESTBY: Why?
 22 MR. GOSMAN: Because defendants use letters.
 23 MS. WESTBY: Not in deposition. They are
 24 just deposition exhibits.
 25 THE WITNESS: What am I drawing?

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1 BY MR. THOMPSON:
 2 Q. Ma'am, when -- when you were going down the
 3 stairs, do you know who the officer was that was behind
 4 you? Was it the officer who told you to go down the
 5 stairs, or a different officer?
 6 A. The officer who was directly behind me, I do
 7 believe, was the officer who was holding me at gunpoint
 8 the whole time. And the officer who cuffed me at the
 9 bottom was a different officer.
 10 Q. And was the officer who told you that you
 11 were going to go down first was that the officer that
 12 was holding you at gunpoint?
 13 A. No. That was the officer who was first to
 14 the basement doors.
 15 Q. So do you know where the officer was that
 16 told you, you were going to go down first? When you
 17 went down the stairs?
 18 A. He was -- he was -- when the officer -- when
 19 I first was told, you're going to go down first, the
 20 officer, who I do believe was Chretien, who made the
 21 order, I stood up, all that blah, blah, blah, walked to
 22 the front of the thing, tells me I have to go first. I
 23 go first, start to go down, and it was Chretien, as far
 24 as I know, who made that order. And reached over,
 25 pushed me away from the wall, and told me to keep

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1 BY MR. THOMPSON:
 2 Q. Let's -- let's go ahead and draw two parallel
 3 lines for the stairs. And you can -- let's -- let's --
 4 let's start over.
 5 A. I told you I'm not an artist.
 6 Q. I want you to use the -- the whole piece of
 7 paper, okay?
 8 A. Like that?
 9 Q. That's good. Why don't you extend it all the
 10 way down to the bottom.
 11 A. (Witness Complies.)
 12 Bottom. This is where you can start to see.
 13 This is my light switch.
 14 Q. Okay. Let's -- let's slow down, ma'am, okay?
 15 A. This is the top.
 16 Q. All right. Don't -- please?
 17 A. This is the door.
 18 Q. Okay. Why don't you put -- why don't you put
 19 "D" for door?
 20 A. I'm not an artist. I told you.
 21 Q. And -- and -- and you've written out door.
 22 Just put "T" for Top. And that's the top of the
 23 stairs?
 24 A. No, that's the top of the base. Top, base.
 25 Q. Okay. Now you've written in base next to the

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1 "T," correct?
 2 A. Yes, it's top base, it's like the landing.
 3 Q. Okay. And where are the bottom of the
 4 stairs? Why don't you write bottom?
 5 A. (Witness complies.)
 6 Q. And I want you to put a "P" for where --
 7 and -- and let's just talk about when you stopped and
 8 put your hands up. Let's put a "P" for you.
 9 A. (Witness complies.)
 10 Okay.
 11 Q. And as you go down the stairs, you've put
 12 yourself against the right side of the stairs, correct?
 13 A. I think -- it's hard not being in the house.
 14 I put my side against the whole cement wall, the one
 15 that didn't have the hole in it.
 16 Q. And let's put a one for the officer that was
 17 directly behind you.
 18 A. (Witness complies.)
 19 That's a step.
 20 Q. And because it -- the one looks like another
 21 hash mark, just put a circle around the one. Okay.
 22 And let's put a two for the officer that you claim was
 23 beside you.
 24 A. (Witness complies.)
 25 Q. And you believe the number two represents the

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1 (Exhibit 2 marked)
 2 THE WITNESS: Sorry. My art sucks.
 3 BY MR. THOMPSON:
 4 Q. And you told Ms. Westby that you could
 5 describe the officer that said, "She's going first"?
 6 A. I can describe him.
 7 Q. And -- and you said he was clean-cut?
 8 A. Clean-cut.
 9 Q. And -- and do you have any more definitive
 10 description than just clean-cut?
 11 A. Skinny, average height, short hair, gel in
 12 it, very clean-cut. Very preppy.
 13 Q. Crew cut?
 14 A. No, it was shaved. Like --
 15 Q. Don't look at my head, I don't have any hair
 16 to look at.
 17 A. Like his hair, but a little bit shorter here
 18 and gelled.
 19 MR. GOSMAN: And "his" being whom?
 20 THE WITNESS: Him, top one, you.
 21 BY MR. THOMPSON:
 22 Q. Ma'am, where did you first hear the
 23 terminology --
 24 A. Shorter.
 25 Q. Where did you first hear the terminology

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1 officer that told you that you were going first?
 2 A. Pushed me, yep.
 3 Q. And the number one is the officer who had
 4 you -- and -- and let's not put anymore lines on there
 5 because it's going to clutter up the diagram.
 6 Okay. I'm going to take your pen away.
 7 Number one is the -- the officer that you
 8 believe had you at --
 9 A. Gunpoint.
 10 Q. -- gunpoint, correct?
 11 A. Uh-huh.
 12 Q. When you stopped and put your hands up
 13 against the -- the -- the wall, you went against the
 14 wall, what did Officer 2 do?
 15 A. All of the officers took a step back. And
 16 then all these officers lifted up their guns. And that
 17 officer even had his gun. And then once he realized I
 18 was up against -- up against the wall, switched it and
 19 reached over and pushed me away from the wall and said
 20 to keep going.
 21 Q. Okay.

MR. THOMPSON: Let's mark this Exhibit 2.

23
24
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1 "human shield"?

2 A. When I was a little girl. Everybody has
 3 heard the terminology "human shield."

4 Q. I never heard it when I was a little kid.
 5 How -- how -- in what context?

6 A. I grew up in Minnesota.

7 MR. GOSMAN: We really appreciate knowing
 8 that, too, Thomas.

9 BY MR. THOMPSON:

10 Q. Well, I -- I'm just curious. In what
 11 context?

12 A. Honestly, I don't know. It's just one of
 13 those things when you're young, you hear. You ask, and
 14 you look up and you find out the definition. You know,
 15 not to mention with all these wars going on, it's been
 16 nothing but public access.

17 Q. And -- and enlighten me. I mean, was it on a
 18 cartoon?

19 A. No.

20 Q. When you say "a little kid," was it on a
 21 cartoon? Was it on --

22 A. What do you mean "little kid"?

23 Q. Well, you said -- I think you said --

24 A. When I was a little kid, I heard about it.

25 High school, I guess. I feel old now, so high school.

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1 Q. So do you know in what context --
2 A. They teach you.
3 Q. Let me finish my question, okay, so we have a
4 clean record.
5 Do you know in what context you heard it in
6 high school?
7 A. They teach you in high school when we're in
8 classes that -- sorry -- when you're in classes, like
9 history classes and stuff, they teach you about things
10 like that. And all the people in this country would do
11 this with bodies and use them as human shields and take
12 them down. And it was just stuff we learned in school.
13 Q. Okay.
14 A. Different school systems, I guess.
15 MR. THOMPSON: I don't believe I have any
16 further questions.
17 THE WITNESS: Okay.
18 MR. THOMPSON: Thank you.
19 THE WITNESS: Thank you.
20 (Exhibit 3 identified)
21 CROSS EXAMINATION
22 BY MR. GOSMAN:
23 Q. Tricia, I may have a couple of questions.
24 First of all, let's go ahead and -- and have you take a
25 look at something that we'll mark as Exhibit No. 3 to

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1 objection and the discussion that we had at the
2 beginning of the deposition in regard to this letter.
3 MR. THOMPSON: I'd join.
4 MR. GOSMAN: All right. I don't think I have
5 anything else. Thank you very much.
6 THE WITNESS: Am I done?
7 MR. GOSMAN: Yes.
8 MS. WESTBY: And how -- do you have the
9 additional medical records that you were going to try
10 to bring to the deposition?
11 MR. GOSMAN: No, I don't.
12 MS. WESTBY: We're going to have to, then,
13 keep the deposition open in case we need to look into
14 those.
15 MR. GOSMAN: I don't really have a problem
16 with that. Although I -- I will say that there's no
17 reason why you couldn't have had these medical records
18 in time to conclude the deposition. I'm -- I'm just
19 not going to make an issue.
20 MS. WESTBY: Well, and I guess the problem
21 with that is you still haven't provided --
22 MR. GOSMAN: You want me to get them for you.
23 You were to get me releases months ago with the
24 protective order. And I had never seen either. I've
25 seen the releases, but no protective order until I got

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1 your deposition.
2 And I want you to tell me what that is and --
3 and where -- where you go it.
4 A. This is a letter from my LCSW from Powell --
5 Cody -- blah, Billings, Montana. He's the -- I guess I
6 would call him a counselor. I don't know what -- LCSW
7 stands for counselor, right?
8 Q. Well, I honestly am not part of the
9 deposition. So we're going to have to go with whatever
10 you know about this letter and this man.
11 A. Okay. He's my counselor. I see him on a
12 weekly basis. Sometimes more if I -- need be. He's on
13 call for me, and he knows everything that's been going
14 on and how it's been affecting me lately. And I was
15 talking to him about how I was deathly scared about the
16 officers being present. And if I had forgotten my
17 medications, what I was supposed to do. Or if I
18 started having an attack in front of them, what I was
19 supposed to do.
20 And he gave me a letter stating that he's
21 hoping that this would make it so if I did need to
22 leave the room, you guys would understand and let me
23 gain my composure and take my breath and do my
24 exercises and see if any of that would help me.
25 MS. WESTBY: And I would just reassert the

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1 an e-mail from you. An e-mail, which I did receive
2 from you.
3 MS. WESTBY: You have the releases and you
4 told me that you would provide them to me. You haven't
5 provided the releases to me.
6 MR. GOSMAN: Oh, you know what? We can get
7 you the releases -- I'll get you the releases --
8 THE COURT REPORTER: Excuse me, Counsel.
9 MR. GOSMAN: Yeah. All right. I'll get you
10 the releases, like, tomorrow.
11 MS. WESTBY: That would be appreciated. And
12 we will get the records.
13 And so you're in agreement that the
14 deposition was held open -- open pending --
15 MR. GOSMAN: For that purpose only. To -- to
16 review information in those medical records.
17 MS. WESTBY: And in addition to that, the
18 other -- the other area that you asserted
19 attorney-client privilege to.
20 MR. GOSMAN: I don't --
21 MS. WESTBY: That -- if that becomes an issue
22 and we need to ask her questions about that once that
23 is presented to us, then I believe that is also
24 appropriate.
25 MR. GOSMAN: Well, you may believe that, but

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1 you are certainly not going to get a stipulation from
 2 me for that. So I think we're done here. Thank you
 3 very much.

4 Tricia, you may leave.

5 THE VIDEOGRAPHER: This will conclude the
 6 deposition. We'll go off the record. The time is
 7 3:09.

8 (Proceedings concluded at 3:09
 9 p.m., October 4, 2010.)

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CERTIFICATE

1
 2 I, VONNI R. BRAY, Registered Professional
 3 Reporter, and Notary Public for the State of Montana,
 4 do hereby certify that TRICIA WACHSMUTH was by me first
 5 duly sworn to testify to the truth, the whole truth,
 6 and nothing but the truth;
 7 That the foregoing transcript, consisting of
 8 218 pages, is a true record of the testimony given by
 9 said deponent, together with all other proceedings
 10 herein contained.

11 IN WITNESS WHEREOF, I have hereunto set my
 12 hand this 15th day of October, 2010.

13

14

15

16

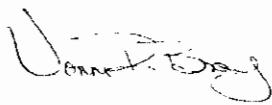
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25

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DEPONENT'S CERTIFICATE

2 I, Tricia Wachsmuth, do hereby certify, under
 3 penalty of perjury, that I have read the foregoing
 4 transcript of my testimony consisting of 217 pages,
 5 taken on October 4, 2010 and that the same is, with any
 6 changes noted below, a full, true and correct record of
 7 my deposition.

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Tricia Wachsmuth Date

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